

# CITY OF GILLETTE



## ZONING ORDINANCE

January 2017

# **CITY OF GILLETTE**

## **ZONING ORDINANCE ORDINANCE NO. 979**

**THIS COPY INCLUDES ALL REVISIONS  
AS OF  
January 2017**

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ZONING ORDINANCE  
CITY OF GILLETTE, WYOMING  
ORDINANCE NO. 979

AN ORDINANCE CREATING ZONING REGULATIONS RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS, COURTS AND OTHER PLACES SURROUNDING THEM; REGULATING AND RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE CITY INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING A MAP OF THE CITY SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; DEFINING CERTAIN OF THE TERMS USED IN SAID ORDINANCE; ESTABLISHING A BOARD OF ADJUSTMENT; PROVIDING FOR CHANGES AND AMENDMENTS TO THE SAID REGULATIONS; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND AMENDING ORDINANCE NO. 527 AND ALL AMENDMENTS THERETO COMMONLY KNOWN AS THE "ZONING CODE".

Be It Ordained by the Governing Body of the City of Gillette, Wyoming: Ordinance No. 527, known as the "Zoning Code" and all amendments thereto are amended in their entirety and shall henceforth read as follows:

SECTION 1. AUTHORITY. This ordinance is adopted pursuant to and in accordance with the authority vested in the City Council of the City of Gillette, Wyoming, by the statutes of the State of Wyoming, §15-1-612; and §15-1-701 through §15-1-709, as amended.

SECTION 2. SHORT TITLE. This ordinance shall be known, cited and referred to as the Zoning Ordinance of Gillette, Wyoming.

SECTION 3. PURPOSE AND APPLICATION.

a. Purpose. This ordinance has been made in accordance with the policies and recommendations set forth in a duly-adopted Comprehensive Plan and have been enacted with the following purposes in mind:

- (1) to lessen congestion in the streets by coordinating land use with transportation policies;
- (2) to secure safety from fire, floods and other hazards;
- (3) to provide for adequate light and air for urban dwellers;
- (4) to promote the most appropriate use of land to insure orderly growth and to prevent overcrowding;

(5) to allow for the adequate provision of needed public facilities to serve present and future populations;

(6) to conserve the value of buildings and lands by insuring a compatible arrangement of land uses; and

(7) to otherwise promote the public health and general welfare of the community.

b. Application.

(1) After the effective date of this ordinance, no land shall be used or occupied; and no structure shall be erected, altered, used or occupied, except in conformance with the provisions of this ordinance.

(2) This ordinance shall apply to all private lands within the corporate limits of the City of Gillette, Wyoming, as they may from time to time be amended, and to all public lands within the same area that are legally subject to these provisions.

(3) The enactment of this ordinance shall not prohibit the continuance of the previously-legal use of any land, building or structure for the purpose for which such land, building or structure is used at the time the ordinance takes effect; and it shall not be necessary to secure any permit or certificate permitting such continuance; provided however, that any significant alteration of or addition to any existing building or structure or the change in use of any land, building or structure within any area subject to the provisions of this ordinance shall be regulated or prohibited.<sup>26</sup>

(4) The existence of restrictive covenants or agreements shall not be a substitute for these zoning regulations.

(5) Wherever higher or more restrictive standards are established by the provisions of any other applicable statute, resolution or regulations the provisions of such other statutes, resolutions or regulations shall apply.

(6) No person, firm or corporation and no officer or employee thereof shall knowingly sell, rent or lease, or offer to sell, rent or lease any land or structure for any use or purpose contrary to the provisions of this ordinance.

c. Severability. If any part or provision of this ordinance or its application is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined to the part, provision, section or application expressly involved in the controversy and shall not affect or impair the integrity or validity of the remainder of the ordinance or its application to other persons, property or circumstances.



#### SECTION 4. ESTABLISHMENT OF ZONING DISTRICTS.

a. District Classifications. <sup>5, 16, 21, 65</sup> In order to effectively carry out the provisions of this ordinance, the lands within the corporate limits of the City of Gillette shall be divided into the following zoning districts:

- |      |         |  |
|------|---------|--|
| (1)  | A       | Agricultural District                                    |
| (2)  | R-R     | Rural Residential District                               |
| (3)  | R-S     | Suburban Residential District                            |
| (4)  | R-1     | Single-Family Residential District                       |
| (5)  | R-2     | Single and Two-Family Residential District               |
| (6)  | R-3     | Single and Multiple-Family Residential District          |
| (7)  | R-4     | Multiple-Family Residential District                     |
| (8)  | M-H     | Mobile Home District                                     |
| (9)  | E-MH    | Enhanced Manufactured Home District                      |
| (10) | E-MH-RS | Enhanced Manufactured Home Suburban Residential District |
| (11) | C-O     | Office and Institution District                          |
| (12) | C-P     | Planned Neighborhood Business District                   |
| (13) | C-1     | General Commercial District                              |
| (14) | C-2     | Central Business District                                |
| (15) | C-3     | Business/Services District                               |
| (16) | I-1     | Light Industrial District                                |
| (17) | I-2     | Heavy Industrial District                                |

b. District Zoning Map.

(1) The boundaries of these zoning districts are hereby established, as shown on a map entitled, "District Zoning Map, Gillette, Wyoming". This map, and all official amendments thereto, are hereby declared to be a part of this ordinance.

(2) Unless otherwise defined, district boundary lines are intended to be lot lines; the centerline of streets, alleys, channelized waterways or similar rights-of-way; the centerline of blocks; section or township lines; municipal corporate lines; the centerline of streambeds; or other lines dimensioned or drawn to scale on the District Zoning Map.

(3) It is the intent of this ordinance that all lands lying within the corporate boundaries shall be within one of the enumerated zoning districts. If any such land is determined not to be within one of the enumerated districts for whatever reason or cause, then no permits shall be issued for the use of the land or for the erection or alteration of any structures on the land until the area has been examined by the City Council and a zoning classification has been established within a reasonable period of time.

(4) All territory which shall hereafter be annexed to the City of Gillette shall be in the R-1, Single-Family Residential District, unless otherwise designated by the City Council as a part of the annexation and zoning process. Such a zone district classification, once established, may be amended pursuant to the procedures established by this ordinance.

c. Zone Lot for Structures. (See Page 4-4a)

(1) Except in the A, Agricultural District, the C-2, Central Business District, and the I-2, Heavy Industrial District, or as otherwise provided by this ordinance, a separate ground area called the zone lot shall be designated, provided and maintained for each structure containing a permitted use or uses. Each zone lot shall have at least one front line and shall be occupied only by a main structure containing the permitted use or uses and a subordinate structure or structures containing only accessory uses. Designated zone lots in the A, C-2 and I-2 Districts may contain more than one main structure containing a permitted use or uses.

(2) A zone lot shall consist of a single parcel of contiguous land and shall be designated as a zone lot only by the owner thereof. Where a designated zone lot is not owned by a single individual or entity, or where the ownership of a structure to be placed on the zone lot is different from the ownership of the land, all responsible parties shall agree and participate in the designation zone lot diagram of the zone lot. A record of the designation of zone lots shall be kept in the files of the Zoning Administrator.

(3) No zone lot shall be designated unless it shall conform to all of the applicable regulations or the zoning district in which the property is located.

(4) The land area occupied by a use and/or the building site designated and occupied by each structure existing on the effective date of this regulation shall be deemed the zone lot for such use and/or structure. Upon application to and approval by the Zoning Administrator, the boundaries and area of the zone lot may be amended, provided full compliance can be maintained with all of the requirements of this ordinance.

(5) When a zone lot is designated and said designation involves several lots of a platted, recorded subdivision, the outside boundaries of the zone lot shall conform to the platted lot lines of the recorded plat.<sup>5</sup>

d. Uniform District Regulations. The provisions of this ordinance shall apply uniformly within all zoning districts bearing the same classification, as designated on the district zoning map; provided, however, that:

(1) Where an ownership of record is divided by a district boundary line, each parcel thus created equal to or exceeding the minimum zone lot size, as established by this resolution, shall conform to the regulations pertaining to the zoning district in which each parcel is located.

(2) Where an ownership of record is divided by a district boundary line, any parcel thus created which is smaller than the minimum zone lot size for the district in which it is located, may be combined with the larger parcel and used for a use permitted in the zone district in which the larger of the two parcels is located.

(3) Where an ownership of record is divided by a district boundary line and both parcels thus created are smaller than the minimum zone lot size for the districts in which they are located, then the parcels may be combined and used for a use permitted in the most restrictive of the zoning districts.

## SECTION 5. ADMINISTRATION AND ENFORCEMENT.

### a. Administering and Enforcement Agency.<sup>5, 27</sup>

(1) The Department shall be responsible for the administration and enforcement of this ordinance. The Department, among other things, shall:

(a) receive all applications for amendments to the language of this ordinance or to the district zoning map; refer such applications to appropriate agencies for comment and submit all such applications, along with the comments of the examining agencies and the comments of the Planning Commission, to the City Council;

(b) receive and review all applications for development plans and zero lot line site plans and prepare recommendations on such plans for review and action by the Planning Commission;

(c) maintain the official district zoning map(s) and other records, showing the current zoning classification of all lands within the City of Gillette; and

(d) propose to the Planning Commission and the City Council any changes to the Zoning Ordinance or to zone district classifications within the City that may, from time to time, be desirable or necessary. All such changes shall be subject to the amendment procedures set forth in this ordinance.

(2) There shall be a Zoning Administrator within the Department, who shall have the following duties:

(a) establish and administer rules and procedures for conducting the zoning affairs of the City, to include the development of the necessary forms and development of procedures not described by this ordinance;

(b) coordinate with other officials in the administration and enforcement of this ordinance;

(c) receive and review all application for permits for construction, alteration or change of use or occupancy of land or structures, and approve or disapprove such applications, based on their conformance with the provisions of this ordinance;

(d) receive all notices of appeals and all requests for variances from the provisions of this ordinance and transmit the appeal or request, along with the record of the denial, order or requirement from which the appeal or request was made, to the Board of Adjustment;

(e) participate, when deemed appropriate, in meetings or public hearings related to zoning before the Board of Adjustment, the Planning Commission or the City Council;

(f) upon reasonable cause, revoke any zoning permit, issue "cease and desist" orders or take any other lawful action to insure substantial compliance with the provisions of this ordinance;

(g) propose to the Planning Commission and to the City Council any changes to the Zoning Ordinance or to zone district classifications within the City that may, from time to time, be desirable or necessary. All such changes shall be subject to the amendment procedures set forth in this ordinance;

(h) make any necessary examinations or studies, relative to the use of land or structures to determine compliance with and appropriateness of this ordinance; and

(i) maintain such records and files as may be necessary in the efficient conduct of the above duties.

b. Inspection Agency. <sup>5, 27</sup> The Zoning Administrator shall have the responsibility for inspections, for insuring compliance with those provisions of this ordinance governing the actual development of land and the use of structures. The Zoning Administrator shall establish and maintain rules and procedures for the conduct of inspections.

c. Administrative Liability. The City shall hold harmless the Department of Community Development <sup>27</sup> and the Chief Building Inspector and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by this ordinance or for the omission of any act on the part of the Department, the Chief Building Inspector or their authorized agents in the discharge of their duties hereunder. Any suit brought against the City or the City Administrator because of any such act or omission in the carrying out of the provisions of this ordinance shall be defended by the City's Legal Department through final determination of such proceedings.

d. Permits.

(1) No building or structure shall be constructed, erected or altered until a zoning permit for CONSTRUCTION OR ALTERATION has been issued by the Zoning Administrator on forms provided by him, certifying that the proposed structure or structures complies with all of the provisions of this ordinance. Accessory structures containing a permitted use shall not require such a permit.<sup>30</sup>

(2) Neither the use of any land nor the use within any building or structure shall be established or changed until a zoning permit, termed a USE PERMIT, has been issued by the Zoning Administrator certifying that the use complies with all of the provisions of this ordinance. Such a permit shall not be required for accessory uses.

(3) No accessory structure or building shall be constructed or placed upon a zone lot until a legal, permitted use has been established.

(4) Applications for zoning permits, required by Sections 5.d.(1), 5.d.(2), and 5.d.(3) above, shall be accompanied by a plat, drawn to scale, containing the name and address of the applicant; the location, shape and dimensions of the land area in question; the dimensions, shape and location of existing and proposed structures; existing and proposed uses of the structure, structures or land area; location, layout and number of spaces for off-street parking and loading; and such other information as may be necessary for the proper enforcement of this ordinance.

(5) No zoning permit shall be issued for the erection, alteration, use or occupancy of any structure intended for human use or occupancy which will not be connected to a public sewage system or which is not served by a water supply system meeting all of the standards and requirements of the State of Wyoming Health and Social Services Department and approved by the City Engineer.

(6) The Zoning Administrator shall act promptly upon any permit application filed with him and shall grant permits in all cases in which the proposed construction or use complies with the requirements of the Zoning Ordinance; and if he denies the application, shall specify the reasons for such denial.

(7) Permits shall not be required for structures legally existing nor for the use of any structure or land area legally established prior to the effective date of this ordinance; provided however, that any future modifications to existing structures or changes of use of any structure or land area shall require permits, as provided by this ordinance.<sup>12</sup>

(8) A copy of all required permits and variance requests shall be filed by the Zoning Administrator and shall be available for examination.

(9) The Chief Building Official may issue a certificate of occupancy, as specified in the Uniform Building Code, when the weather or other extraordinary circumstances make immediate compliance with the terms of this ordinance impractical. The applicant shall execute an agreement with the City, promising to complete the required improvements within a time period specified by the Zoning Administrator, such time period to be the minimum within which the improvements can reasonably be completed. This agreement shall be secured with a bond, letter of credit or other suitable financial guarantee, in an amount which will cover the estimated cost of improvements required. For minor items, such as parking lot striping, the improvement guarantee may be waived by the Zoning Administrator. If the applicant defaults on the agreement, the certificate of occupancy may be revoked.<sup>26, 29</sup>

e. Violations, Penalties and Remedies.

(1) No person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of this ordinance.

(2) The Zoning Administrator or his authorized representatives shall order, in writing, the remedying of any violation. Such order shall state the nature of the violation, the ordinance provision violated and the time by which the violation must be corrected. After any such order has been served, no work shall proceed on any structure or tract of land covered by such an order, except to correct such violation or to comply with the order.

(3) This ordinance shall be enforceable, in addition to the other remedies provided by law, by injunction, mandamus, or proceedings in abatement. Appeals from judgments rendered in any action instituted to enforce this ordinance shall be permitted and shall be in accordance with the general appeal provisions of Wyoming Rules of Civil Procedure.

(4) Persons or corporations convicted of violations of this ordinance shall be fined not more than \$100 for each offense. Each day's continuation of such violation is a separate offense.

(5) This ordinance shall not be construed to hold the City of Gillette, its Zoning Administrator or its Chief Building Inspector responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or by reason of issuing a zoning permit, as herein provided.

f. Appeals. (See Page 5-9a)

(1) Any order or decision of the Zoning Administrator may be appealed to the Board of Adjustment by any person or agency affected by any such order or decision. Any such appeal shall be taken within ten (10) days from the date of the action appealed from, by filing a written notice of appeal specifying the grounds for the appeal with the Zoning Administrator. Forms shall be provided for this purpose. Upon receipt of a notice of appeal, the Zoning Administrator shall transmit to the Board of Adjustment the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action appealed from was taken.

(2) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator, or his authorized representative, shall certify to the Board of Adjustment, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such a case, the Board shall tentatively reaffirm the action of the Zoning Administrator and allow the order or decision to stand, or shall direct the Zoning Administrator to stay further proceedings; both actions to be taken by the Board pending the results of the appeal public hearing. If the Board reaffirms the order or decision of the Zoning Administrator, proceedings shall not be stayed, except by a restraining order which may be granted by a court of record after giving due notice to the Zoning Administrator.

g. Board of Adjustment - Creation.

(1) A Board of Adjustment is hereby created. The Board shall consist of five (5) members, all of whom shall be property taxpayers and residents of the City of Gillette. They shall be appointed by the Mayor and with the consent of the City Council. The Board of Adjustment, existing on the effective date of this ordinance, shall be the duly-constituted Board of Adjustment of the City of Gillette; and the existing members of that Board shall be allowed to complete their appointed terms of office. Thereafter, appointments shall be made for three (3) years. Vacancies shall be filled for any unexpired term in the same manner as the original appointment was made. Any member of the Board of Adjustment may be removed, for cause, by the City Council upon written charges and after a public hearing. Members of the Board of Adjustment shall serve without compensation.

(2) The Board of Adjustment may appoint a Secretary to the Board, as provided by the City Council.

(3) The members of the Board of Adjustment shall meet at least once a month, at such time and place as they may fix by resolution. They shall select one (1) of their members as chairman and one (1) as vice chairman, who shall serve one (1) year and until their successors have been selected. Special meetings may be called at any time by the chairman or, in his absence, by the vice chairman. A majority of the Board shall constitute a quorum for the transaction of business.

h. Powers and Jurisdiction of the Board. The Board of Adjustment has the following powers and jurisdiction:

(1) to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this ordinance;

(2) to interpret the provisions of this ordinance, in such a way so as to further the intent and purposes of the recommendations and policies of the duly-adopted Comprehensive Plan;

(3) to permit the reconstruction of a nonconforming building which has been damaged by casualty, act of God or public enemy, to the extent of more than sixty percent (60%) of the structural value of the building and the land upon which it is located where the Board finds some compelling public necessity requiring continuance of the nonconforming use; and the primary purpose of continuing the nonconforming use is not to continue a monopoly. In the case of doubt, the fair market value shall be determined, as provided in Section 8., Nonconforming Uses and Structures;

(4) to authorize upon appeal and in specific cases, an increase in the land area occupied by a legal, existing, nonconforming use on an existing zone lot, or the floor area occupied by a legal, nonconforming use in an existing structure, subject to terms and conditions fixed by the Board.

(5) to authorize upon appeal, such variances from the terms of this ordinance, as will not be contrary to the public interest whenever a property owner can show that the strict application of any of the requirements of this ordinance would result in unnecessary hardship that would deprive him of the reasonable use of his land or structure, when compared to other land or structures similarly situated;<sup>12</sup> and

(6) subject to the limitations set forth in this section, the Board, by majority vote of the Board, may reverse, affirm or modify the order, requirement, decision or determination appealed from and relating to this ordinance and may make such order, decision or requirement as ought to be made; and to that end, the Board shall have all of the powers of the official or agency appealed from. The Board may also attach conditions to a decision.<sup>26</sup>



i. Variances.

(1) The Board of Adjustment may authorize upon appeal, such variances from the terms of this ordinance, as shall not be contrary to the public interest. Such appeals shall be made only after the denial of a zoning permit by the Zoning Administrator and shall be made on forms provided for this purpose. The request for a variance shall be filed with the Zoning Administrator. Upon receipt of a request for a variance, the Zoning Administrator shall transmit the request, a copy of the denial and any other pertinent information to the Board for their consideration.

(2) The purpose of any variance shall be to modify the strict application of the requirements of this ordinance, where it can be shown that, by reason of exceptional topography or other extraordinary or exceptional circumstances, literal enforcement of the terms of this ordinance will result in an unnecessary hardship, to the extent that the property might be prohibited from being used in a manner similar to other property in the same district.

(3) Each variance authorized shall not be personal to the applicant but shall apply to a specific use or structure and shall run with the land. No variance shall be authorized unless the Board shall find that all of the following conditions exist:

(a) that the variance will not authorize a permitted use other than those specifically enumerated in the zoning district in which the variance is sought;

(b) that owing to extraordinary circumstances, literal enforcement of the provisions of this resolution will result in unnecessary hardship;

(c) that the extraordinary circumstances were not created by the owner of the property and do not represent a general condition of the district in which the property is located;

(d) that the variance will not substantially or permanently injure any adjacent, conforming property;

(e) that the variance will not alter the character of the district in which it is located;

(f) that the variance is the minimum variance and the least modification that will afford the relief sought; and

(g) that the variance will be in harmony with the spirit of this ordinance will not adversely affect the public health, safety or welfare.

j. Rules for Proceeding before the Board on Appeals and Variances.

(1) Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department or agency of the City affected by any decision of the Zoning Administrator. Such

appeal shall be made in writing on forms provided and shall be taken within ten (10) days from the date of the action appealed from.

(2) Decisions of the Board of Adjustment, in regard to appeals from an order or decision of an agency or official or in regard to variances from the provisions of the Zoning Ordinance, shall be reached only after a public hearing. The Board shall fix a reasonable time and place for the hearing and shall proceed in accordance with the following rules:

(a) Public notice shall be given of all hearings. Public notice shall consist of posting a sign by a designated City official on the affected property for at least five (5) days prior to the date of the hearing and one (1) publication of a notice by the City in a newspaper of general circulation at least five (5) days prior to the hearing. Both the sign and the newspaper notice shall identify the applicant, shall briefly state the nature of the appeal or the variance sought and shall give the date, time and place of the hearing. All hearings shall be open to the public.

(b) Due notice of the hearing shall also be given to the parties at interest, including the Chief Building Inspector and Planning Division personnel, Department of Community Development.<sup>27</sup> These agencies shall be permitted to be heard on behalf of the City in all public hearings.

(c) At any public hearing, any interested party may appear in person or be represented by an agent or attorney; and after being duly sworn, may offer evidence and testimony and cross-examine witnesses.

(d) All witnesses shall be sworn or shall affirm their testimony in the manner required in courts of record.

(e) All testimony and evidence shall be presented publicly.

(f) The Board shall keep a record of the proceedings for each matter heard, which shall be kept on file and copies made available to any party at cost. The record of proceedings may include documents and physical evidence considered in the case.

(g) The Board shall render a written decision on each case heard, within thirty (30) days of the hearing. Each decision must be accompanied by reasons therefore and based on findings of fact. The record shall show the grounds for each decision and the vote of each member upon each question. The record of proceedings shall be a public record. In addition to this record of proceedings, the Board shall cause a description of each variance granted to be filed with the title of the affected property. The description shall include the nature of the variance, any time limitations and any special conditions imposed by the Board.

(h) The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter upon which it is required to pass concerning this ordinance, or to affect any variation in this ordinance.

k. Schedule of Zoning, Subdivision and Condominium Ordinance Fees.<sup>5, 15</sup> The following fees shall be collected by the City of Gillette, Department of Community Development,<sup>27</sup> prior to the filing of the following applications:

Permits for Services described within the Zoning Ordinance	
Permit	Starting 7/1/2015
<b>Development Plans</b>	<b>\$595</b>
<b>Commercial Site Plan</b>	<b>\$340</b>
<b>Planned Unit Development</b>	<b>\$680</b>
<b>Zoning Map Amendment</b>	<b>\$340</b>
<b>Zoning Text Amendment</b>	<b>\$340</b>
<b>Zoning Variance</b>	<b>\$595</b>
<b>Zoning Appeal</b>	<b>\$595</b>
<b>Zone Lot Declaration</b>	<b>\$75</b>
<b>Zero Lot Line Development</b>	<b>\$475</b>
<b>Tower Application</b>	<b>\$340</b>

Permits for Services described within the Subdivision Ordinance	
Permit	Starting 7/1/2015
<b>Annexation Plats</b>	<b>\$475</b>
<b>Final Plat less than 5 lots</b>	<b>\$340</b>
<b>Final Plat over 5 lots, plus \$15 per lot over 10 to a maximum of \$1500</b>	<b>\$850</b>
<b>Preliminary Plat</b>	<b>\$680</b>
<b>Vacation Plat 1 Lot</b>	<b>\$340</b>
<b>Vacation Plat more than 1 lot</b>	<b>\$340</b>

Permits for Services described within the Condominium Platting Regulations of the City of Gillette	
Permit	Starting 7/1/2015
<b>Condominium Plat, plus \$15 per unit over 10 to a maximum of \$1500</b>	<b>\$475</b>

Section 6. DISTRICT REGULATIONS <sup>1,2,5,6,7,8,9,12,16,18,19,20,21,23,24,26,29,43,57,70</sup>

a. A - Agricultural District.

(1) Purpose. This district is intended to allow for and protect existing agricultural uses within the City by controlling density and land coverage and providing for compatible land use.

(2) Permitted Uses. The following uses may be operated as permitted uses in the district:

(a) General agriculture; shall include farming, ranching, grazing, dairying, animal or plant husbandry. The following, however, are not permitted:

(1) The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land;

(2) animal feedlot or commercial holding pens; and

(3) a use or activity engaged in, within three hundred feet (300') of a residential or retail business structure, if such use or activity results in unreasonable and continuous odors, dust or noise.

(b) church and/or parish house

(c) cemetery

(d) fire station

(e) golf course

(f) greenhouse or plant nursery

(g) kennel for the keeping, boarding or training of animals

(h) public or private schools for elementary or secondary education

(i) public park, playground and other public recreational facilities

(j) recreation camp

(k) railway right-of-way

(l) stand for the sale, at retail, of agricultural products or commodities raised on the premises

(m) veterinary clinic, including observation pens

(n) essential public utility and public service installation<sup>30</sup>

(o) oil, gas or mineral exploration and production, with permission of the City Council, as provided for under applicable provisions elsewhere in the Gillette Municipal Code<sup>30</sup>

(3) Permitted Accessory Uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental to and commonly associated with the operation of the permitted use;

(b) is operated under the same ownership and on the same property as the permitted use; and

(c) does not include permanent, residential occupancy, except by owners or persons employed on the premises and their immediate families; single family dwellings, mobile/manufactured<sup>60</sup> homes, guest homes and lodges may be accessory uses to a permitted use.

(4) Minimum Area of Zone Lot.<sup>26</sup> None, except that where permanent residential occupancy is conducted as an accessory use, there shall be at least three (3) acres of land for each permanently occupied dwelling unit.

(5) Minimum Width of Zone Lot. None.

(6) Minimum Yards for Structures.

(a) Front Yard.<sup>18</sup> Thirty feet (30'); except that on a corner lot, any front yard not directly adjacent to the primary entrance to a main building may be reduced to twenty five feet (25').

(b) Side Yard. Fifteen feet (15').

(c) Rear Yard. Forty feet (40').

(d) Structures Containing an Accessory Use Only.<sup>12</sup> Five feet (5'); provided, however, that a garage entered from an alley shall be located no closer than ten feet (10') from the alley.

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four inches (24") into all yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three and one-half feet (3 ½') into all yards.

(8) Maximum Height of Structures.

(a) when a building or structure is within one hundred fifty feet (150') from a residential district, thirty five feet (35'); and

(b) when a building or structure is more than one hundred fifty feet (150') from a residential district, eighty feet (80').

(9) Permitted Exceptions to Maximum Height. Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers may be erected to any safe height not in conflict with other regulations.

(10) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

b. R-R - Rural Residential District.

(1) Purpose. This district is intended to accommodate single family dwellings and accessory structures and uses for those areas of the community where it is desirable to maintain a semi-rural environment.

(2) Permitted Uses.<sup>20,70</sup> The following uses may be operated as permitted uses in the district:

(a) single family dwelling

(b) cemetery

(c) church and/or parish house

(d) community center; may be public or private, but not operated for gain

(e) day care<sup>26,55,70</sup> (family child care home (FCCH), or family child care center (FCCC), with appropriate State license and operated from the provider's home with a special permit, or child care center (CCC) operated by a church with appropriate State license and a special permit as required under Section 6 t. of this Ordinance.)

(f) fire station

(g) public park, playground and other public recreational facilities

(h) public and private school for elementary or secondary education

(i) essential public utility and public service installation - such uses shall not include business offices, repair, sales or storage facilities.

(j) shared living residence for Senior Citizens (see Section 14. DEFINITIONS for size limitations.)<sup>52</sup>

(k) bed and breakfast home<sup>54</sup>

(3) Permitted Accessory Use. Any such use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated and maintained under the same ownership and on the same zone lot as the permitted use;

(c) does not include structures or structural features inconsistent with the permitted use;

(d) does not include residential occupancy; and

(e) livestock and fowl shall be permitted in the R-R District in accordance with the following provisions:

(1) The number of livestock, including horses, cattle, sheep, burros or goats (excluding swine), allowed on a platted lot shall be limited to one (1) animal per one and one-half (1 ½) acres of lot area, up to a total of two (2) animals.<sup>30</sup> Unweaned offspring shall not be included in this allowance.

(2) Rabbits, fowl or poultry, including chickens, turkeys, geese or game birds shall be limited to ten (10) rabbits or mixed fowl per acre.

(3) No commercial breeding of livestock and fowl shall be permitted.

(4) Areas of the lot, as well as accessory buildings or structures devoted to livestock and fowl, shall be maintained and kept in such a manner as to not constitute a nuisance to the surrounding properties.

(f) If operated wholly or partially within a structure containing a permitted use, the gross floor area utilized by the accessory use shall not exceed thirty percent (30%) of the gross floor area of the permitted use.

(g) If in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area of the permitted use.<sup>26</sup>

(4) Minimum Area of Zone Lot. <sup>26, 79</sup> One (1) acre.

(5) Minimum Width of Zone Lot. <sup>79</sup> One hundred twenty five feet (125').

(6) Minimum Yards for Structures.

(a) Front Yard. <sup>18, 79</sup> Forty feet (40'); except that on a corner lot, any front yard not directly adjacent to the primary entrance to a main building may be reduced to thirty-five feet (35').

(b) Side Yard.

(1) Structures Containing Permitted Uses. Fifteen feet (15').

(2) Structures Containing Accessory Uses Only. Six feet (6').

(c) Rear Yard.

(1) Structures Containing Permitted Uses. Forty feet (40').

(2) Structures Containing Accessory Uses Only. Ten feet (10').

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into all yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three and one-half feet (3 ½') into all yards.

(c) Cornices, overhangs, eaves and gutters may project two feet (2') into all yards.

(8) Maximum Height of Structures. Thirty five feet (35').

(9) Permitted Exceptions to Maximum Height. Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers may be erected to any safe height, not in conflict with other regulations.

(10) Fences, Walls and Retaining Walls. See Section 6.r. <sup>20</sup>

c. R-S - Suburban Residential District.

(1) Purpose. This district is intended as a single family, residential district for those areas of the community where it is desirable to maintain low residential densities.

(2) Permitted Uses. <sup>20</sup> The following uses may be operated as permitted uses in the district:



- (a) single family dwelling
- (b) cemetery
- (c) church and/or parish house
- (d) community center; may be public or private, but not operated for gain
- (e) day care<sup>26,29,55,70</sup> (family child care home (FCCH), or family child care center (FCCC), with appropriate State license and operated from the provider's home with a special permit, or child care center (CCC) operated by a church with appropriate State license and a special permit as required under Section 6 t. of this Ordinance.)
- (f) fire station
- (g) golf courses, including clubhouse facilities
- (h) public park, playground and other public recreational facilities
- (i) public and private school for elementary or secondary education
- (j) essential public utility and public service installation - such uses shall not include business offices, repair, sales or storage facilities.
- (k) shared living residence for Senior Citizens (see Section 14. DEFINITIONS for size limitations.)<sup>52</sup>
- (l) bed and breakfast home<sup>54</sup>

(3) Permitted Accessory uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

- (a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;
- (b) is operated and maintained under the same ownership and on the same zone lot as the permitted use;
- (c) does not include structures or structural features inconsistent with the permitted use;
- (d) does not include residential occupancy;

(e) does not include the feeding or commercial breeding of animals, or the keeping of animals, except for those small animals normally regarded as household pets;

(f) if operated wholly or partially within a structure containing a permitted use, the gross floor area utilized by the accessory use shall not exceed thirty percent (30%) of the gross floor area of the permitted use; and

(g) if in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area of the permitted use.<sup>26</sup>

(4) Minimum Area of Zone Lot. Twenty-two thousand (22,000) square feet.

(5) Minimum Width of Zone Lot:<sup>79</sup> One hundred twenty-five feet (125') at the front setback line.

(6) Minimum Yards for Structures.

(a) Front Yard.<sup>18, 79</sup> Forty feet (40'); except that on a corner lot, any front yard not directly adjacent to the primary entrance to a main building may be reduced to thirty five feet (35').

(b) Side Yard.

(1) Structures Containing Permitted Uses. Fifteen feet (15').

(2) Structures Containing Accessory Uses Only. Six feet (6').

(c) Rear Yard. Forty feet (40'); provided however, that a garage entered from an alley may be located not closer than ten feet (10') from the alley line.

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into all yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three and one-half feet (3 ½') into all yards.

(c) Cornices, overhangs, eaves and gutters may project two feet (2') into all yards.

(8) Maximum Height of Structures. Thirty five feet (35').

(9) Permitted Exceptions to Maximum Height. Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers may be erected to any safe height not in conflict with other regulations.

(10) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

d. R-1 - Single Family Residential District.

(1) Purpose. This district is intended to be applied to lands which are suitable for low density, residential development within the existing community. The district also allows uses which are compatible with and provide support to a low density, residential environment.

(2) Permitted Uses. <sup>6, 20, 70</sup> The following uses may be operated as permitted uses in the district:

(a) single family dwelling; may include the rooming and/or boarding of up to two (2) persons, provided no separate kitchen is involved.

(b) cemetery

(c) church and/or parish house

(d) community center; may be public or private, but not operated for gain

(e) day care<sup>55, 70</sup> (family child care home (FCCH), with appropriate State license, or family child care center (FCCC), with appropriate state license and operated from the provider's home with a special permit, and child care center (CCC) operated by a church with appropriate State license and a special permit as required under Section 6. t. of this Ordinance.)

(f) fire station

(g) foster home, as licensed by the State of Wyoming, provided the necessary State license has been obtained

(h) golf courses, including club house facilities

(i) library

(j) police station

(k) public park, playground and other public recreational facilities

(l) public and private school for elementary or secondary education

(m) essential public utility and public service installation - such uses shall not include business offices, repair, sales or storage facilities.

(n) shared living residence for senior citizens.<sup>48</sup>

(o) bed and breakfast home<sup>54</sup>

(3) Permitted Accessory Uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated and maintained under the same ownership and on the same zone lot as the permitted use;

(c) does not include structures or structural features inconsistent with the permitted use;

(d) does not include residential occupancy;

(e) if operated wholly or partially within the structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed thirty percent (30%) of the gross floor area utilized by the permitted use; and

(f) if in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area of the permitted use.<sup>33</sup>

(4) Minimum Area of Zone Lot. Six thousand (6,000) square feet.

(5) Minimum Width of Zone Lot. Fifty feet (50') at the front setback line.

(6) Minimum Yards for Structures.

(a) Front Yard. Twenty feet (20'); except that on a corner lot, any front yard not directly adjacent to the primary entrance to a main building may be reduced to fifteen feet (15').

(b) Side Yard. Five feet (5'); except that on lots of record existing on the effective date of this resolution and having a width of less than fifty feet (50'), the side yard may be reduced to three feet (3').

(c) Rear Yard.

(1) Structures Containing Permitted Uses. Twenty feet (20') or twenty percent (20%) of the depth of the zone lot, whichever is smaller.

(2) Structures Containing Accessory Uses Only. <sup>12</sup> Five feet (5'); provided however, that a garage entered from an alley shall be located no closer than ten feet (10') from the alley.

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into front or rear yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three and one-half feet (3 ½') into front and rear yards.

(c) Cornices, overhangs, eaves and gutters may project two feet (2') into all yards.

(8) Maximum Height of Structures. Thirty five feet (35').

(9) Permitted Exceptions to Maximum Height. Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers may be erected to any safe height not in conflict with other regulations.

(10) Required Open Space.

(a) Zone lots occupied by single family dwellings shall maintain fifty percent (50%) of the zone lot area as free and unobstructed open space.

(b) Areas devoted to off street parking shall not be counted as free and unobstructed open space.

(11) Fences, Walls and Retaining Walls. See Section 6.r. <sup>20</sup>

e. R-2 - Single and Two Family Residential District

(1) Purpose. This district is intended to provide for a compatible mixture of single and two family dwellings, at a density slightly higher than that for single family districts alone, plus the accessory public and semi-public uses offering services to the surrounding area.

(2) Permitted Uses. <sup>6,8,20,70,76, 80</sup> The following uses may be operated as permitted uses in the district:

(a) single family dwelling; may include the rooming and boarding of up to two (2) persons, provided no separate kitchen is involved.

(b) two-family dwelling

- (c) cemetery
- (d) church and/or parish house
- (e) community center; may be public or private, but not operated for gain
- (f) day care <sup>55,70</sup> (family child care home (FCCH), or family child care center (FCCC), with appropriate State license and operated from the provider's home with a special permit, or child care center (CCC) operated by a church with appropriate State license and a special permit as required under Section 6 t. of this Ordinance.)
- (g) fire station
- (h) foster home or group foster home, as licensed by the State of Wyoming, provided the necessary State license has been obtained
- (i) group care facility <sup>42, 80</sup>
- (j) library
- (k) mortuary, does not include a crematorium as an accessory use.
- (l) police station
- (m) public park, playground and other public recreational facilities
- (n) public and private school for elementary and secondary education
- (o) railway right of way
- (p) essential public utility and public service installation - such uses shall not include business offices, repair, sales or storage facilities.
- (q) two unit townhouse
- (r) parking of vehicles; must comply with all of the provisions of Section 9.b. relating to design, use and maintenance of off street parking.<sup>6,9</sup>
- (s) shared living residence for senior citizens.<sup>48</sup>
- (t) bed and breakfast home<sup>54</sup>
- (u) administrative non-profit support agency for victim service programs<sup>69</sup>

(3) Permitted Accessory uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated and maintained under the same ownership and on the same zone lot as the permitted use;

(c) does not include structures or structural features inconsistent with the permitted use;

(d) does not include residential occupancy;

(e) if operated wholly or partly within a structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed thirty percent (30%) of the gross floor area of the permitted use; and

(f) if in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area of the permitted use.<sup>33</sup>

(4) Minimum Area of Zone Lot. Six thousand (6,000) square feet. The zone lot on which there is erected a two family dwelling shall contain an area of not less than four thousand (4,000) square feet per dwelling unit.

(5) Minimum Width of Zone Lot. Fifty feet (50') at the front setback line.

(6) Minimum Yards for Structures.

(a) Front Yard. Twenty feet (20'); except that on a corner lot, any front yard not directly adjacent to the primary entrance of a main building may be reduced to fifteen feet (15').

(b) Side Yard. Five feet (5'); except that on lots of record existing on the effective date of this resolution and having a width of less than fifty feet (50'), the side yard may be reduced to three feet (3').

(c) Rear Yard.

(1) Structures containing permitted uses - twenty feet (20') or twenty percent (20%) of the depth of the zone lot, whichever is smaller.

(2) Structures containing accessory uses only - five feet (5'); provided however, that a garage entered from an alley shall be located no closer than ten feet (10') from the alley.

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into front or rear yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three and one-half feet (3 1/2') into front and rear yards.

(c) Cornices, overhangs, eaves and gutters may project two feet (2') into all yards.

(8) Maximum Height of Structures. Thirty five feet (35').

(9) Permitted Exceptions to Maximum Height. Church spires, church towers, water towers, flagpoles, antennas and fire towers may be erected to any safe height not in conflict with other regulations.

(10) Required Open Space.

(a) Zone lots occupied by single family dwellings shall maintain fifty percent (50%) of the zone lot as free and unobstructed open space for each dwelling unit.

(b) Zone lots occupied by two family dwellings shall maintain seven hundred fifty (750) square feet of free and unobstructed open space for each dwelling unit.

(c) Area devoted to off street parking shall not be counted as free and unobstructed open space.

(11) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

f. R-3 - Single and Multiple Family Residential District.

(1) Purpose. This district is intended to provide for a compatible mixture of single and multiple family dwellings, at a density slightly higher than that for single family districts alone, plus the accessory public and semi-public uses offering services to the surrounding area.

(2) Permitted Uses. <sup>6,8,22,70,76, 80</sup> The following uses may be operated as permitted uses in the district:

(a) single family dwelling; may include the rooming and boarding of up to two (2) persons, provided no separate kitchen is involved.

(b) multiple family dwelling

(c) church and/or parish house



(d) community center; may be public or private, but not operated for gain

(e) condominium and townhouse

(f) day care<sup>55,70</sup> (family child care home (FCCH), or family child care center (FCCC), with appropriate State license and operated from the provider's home with a special permit, or child care center (CCC) operated by a church with appropriate State license and a special permit as required under Section 6 t. of this Ordinance.)

(g) fire station

(h) foster home or group foster home, as licensed by the State of Wyoming, provided the necessary State license has been obtained.

(i) group care facility<sup>42, 80</sup>

(j) group day care facility

(k) library

(l) mortuary, does not include a crematorium as an accessory use.

(m) nursing home or home for the elderly

(n) police station

(o) public park, playground and other public recreational facilities

(p) public and private school for elementary and secondary education

(q) railway right of way

(r) essential public utility and public service installation; such uses shall not include business offices, repair, sales or storage facilities.

(s) shared living residence for senior citizens.<sup>48</sup>

(t) administrative non-profit support agency for victim service programs<sup>69</sup>

(3) Permitted Accessory Uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated and maintained under the same ownership and on the same zone lot as the permitted use;

(c) does not include structures or structural features inconsistent with the permitted use;

(d) does not include residential occupancy;

(e) if operated wholly or partly within the structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed thirty percent (30%) of the gross floor area of the permitted use; and

(f) if in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area of the permitted use.<sup>33</sup>

(4) Minimum Area of Zone Lot. Six thousand (6,000) square feet, plus three thousand (3,000) square feet for each dwelling unit of a multiple family dwelling in excess of two (2) dwelling units.

(5) Minimum Width of Zone Lot. Fifty feet (50') at the front setback line.

(6) Minimum Yards for Structures.

(a) Front Yard. Twenty feet (20'); except that on a corner lot, any front yard not directly adjacent to the primary entrance of a main building may be reduced to fifteen feet (15').

(b) Side Yard. Five feet (5'); except that on lots of record existing on the effective date of this resolution and having a width of less than fifty feet (50'), the side yard may be reduced to three feet (3').

(c) Rear Yard.

(1) Structures Containing Permitted Uses. Twenty feet (20') or twenty percent (20%) of the depth of the zone lot, whichever is smaller.

(2) Structures Containing Accessory Uses Only. Five feet (5'); provided however, that a garage entered from an alley shall be located no closer than ten feet (10') from the alley.<sup>12</sup>

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into front or rear yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three and one-half feet (3 1/2') into front and rear yards.

(c) Cornices, overhangs, eaves and gutters may project two feet (2') into all yards.

(8) Maximum Height of Structures. Thirty five feet (35').

(9) Permitted Exceptions to Maximum Height. Church spires, church towers, water towers, flagpoles, antennas, and fire towers may be erected to any safe height not in conflict with other regulations.

(10) Required Open Space.

(a) Zone lots occupied by single family dwellings shall maintain fifty percent (50%) of the zone lots as free and unobstructed open space.

(b) Zone lots occupied by multiple family dwellings shall maintain seven hundred fifty (750) square feet of free and unobstructed open space for each dwelling unit.

(c) Area devoted to off street parking shall not be counted as free and unobstructed open space.

(11) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

g. R-4 - Multi Family Residential District.

(1) Purpose. This district is intended to allow for a compatible mixture of multiple family dwellings at a medium density and other uses of an institutional or semi-public nature, while maintaining a general residential environment.

(2) Permitted Uses<sup>6,8,22,43,50,70,76</sup> The following uses may be operated as permitted uses in the district.

(a) single family dwelling

(b) multiple family dwelling

(c) boarding and/or rooming house

(d) church and/or parish house

(e) community center; may be public or private, but not operated for gain

- gain
- (f) club or lodge, private and operated for the benefit of members and not for
  - (g) condominium and townhouse
  - (h) day care<sup>70</sup> (family child care home (FCCH), family child care center (FCCC) or child care center (CCC), with appropriate State license.)
  - (i) fire station
  - (j) foster home or group foster home, as licensed by the State of Wyoming, provided the necessary State license has been obtained
  - (k) group care facility
  - (l) hospital
  - (m) institution of higher learning, including dormitory accommodations
  - (n) library
  - (o) museum
  - (p) mortuary, does not include a crematorium as an accessory use.
  - (q) nursing home or home for the elderly
  - (r) orphanage
  - (s) parking of vehicles; must comply with all of the provisions of Section 9.b., relating to design, use and maintenance of off street parking.
  - (t) police station
  - (u) public park, playground and other public recreational facilities
  - (v) public or private school for elementary or secondary education
  - (w) essential public utility or public service installation; such uses shall not include business offices, repair, sales or storage facilities
  - (x) administrative non-profit support agency for victim service programs<sup>69</sup>

(3) Permitted Accessory Uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated and maintained under the same ownership and on the same zone lot as the permitted use;

(c) does not include structures or structural features inconsistent with the permitted use;

(d) does not include residential occupancy;

(e) if operated wholly or partly within the structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed thirty percent (30%) of the gross floor area of the permitted use;

(f) if in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area of the permitted use;<sup>33</sup> and

(g) in the R-4 District, a restaurant or cafeteria shall be considered a legitimate accessory use only for the following permitted uses: boarding and/or rooming house, nursing home, hospital and elementary or secondary school.

(4) Minimum Area of Zone Lot.<sup>26</sup> Six thousand (6,000) square feet, plus one thousand five hundred (1,500) square feet for each dwelling unit in a multiple family and condominium dwelling in excess of four (4) dwelling units. The minimum area of a zone lot for townhouses shall be three thousand (3,000) square feet per unit. Living units in boarding and/or rooming houses and dormitories shall not be construed to be dwelling units for the purposes of this requirement.

(5) Minimum Width of Zone Lot. Fifty feet (50') at the front setback line

(6) Minimum yards for Structures.

(a) Front Yard. Ten feet (10'); on a corner lot, the ten foot (10') front yard shall apply to both streets.

(b) Side Yard.<sup>12</sup>

(1) For buildings less than thirty five feet (35') in height, five feet (5').

(2) For buildings thirty five feet (35') or more, eight feet (8').

(3) When the primary building entrance is located in the side yard, the side yard shall be increased an additional five feet (5').

(c) Rear Yard.

(1) Structures Containing Permitted Uses. Twenty feet (20') or twenty percent (20%) of the depth of the zone lot, whichever is smaller.

(2) Structures Containing Accessory Uses Only.<sup>12</sup> Five feet (5'); provided however, that a garage entered from an alley shall be located no closer than ten feet (10') from the alley.

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into front or rear yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three and one-half feet (3½') into front and rear yards.

(c) Cornices, overhangs, eaves and gutters may project two feet (2') into all yards.

(8) Maximum Height of Structures.<sup>12, 65</sup>

(a) Within one hundred fifty feet (150'), including street and alley rights-of-way, of an R-S, R-1, R-2, R-3, M-H, E-MH or E-MH-RS District - fifty feet (50').

(b) More than one hundred fifty feet (150') from an R-S, R-1, R-2, R-3, M-H, E-MH or E-MH-RS District - one hundred feet (100').

(9) Permitted Exceptions to Maximum Height. Church spires, church towers, water towers, flagpoles, antennas and fire towers may be erected to any safe height not in conflict with other regulations.

(10) Required Open Space.<sup>5</sup>

(a) Zone lots occupied by single family dwellings shall maintain fifty percent (50%) of the zone lot as free and unobstructed open space.

(b) Zone lots occupied by multiple family dwellings shall maintain five hundred (500) square feet of free and unobstructed open space for each dwelling unit.

(c) Zone lots occupied by a boarding or rooming house shall maintain five hundred (500) square feet of free and unobstructed open space for each sleeping room.

(d) Area devoted to off street parking shall not be counted as free and unobstructed open space.

(11) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

h. M-H - Mobile Home District.

(1) Purpose.<sup>23,60</sup> This district is intended primarily for mobile/manufactured homes, located in planned mobile/manufactured home courts or parks and mobile/manufactured homes located on separate zone lots in planned mobile/manufactured home subdivisions. Secondly, this district allows conventional, single family dwellings on separate zone lots.

(2) Permitted Uses.<sup>23,60,70</sup> The following uses may be operated as permitted uses in the district:

(a) mobile/manufactured home in a mobile/manufactured home court or park, or a mobile/manufactured home subdivision containing two (2) or more mobile/manufactured homes and complying with all of the provisions of this ordinance and the Subdivision Regulations of the City of Gillette.

(b) single family dwelling; may include the rooming and/or boarding of up to two (2) persons, provided no separate kitchen is involved

(c) church and/or parish house

(d) public park or playground

(e) community center; may be public or private, but not operated for gain

(f) day care<sup>26, 70</sup> (family child care home (FCCH), or family child care center (FCCC), with appropriate State license and operated from the provider's home with a special permit, or child care center (CCC) operated by a church with appropriate State license and a special permit as required under Section 6 t. of this Ordinance.)

(g) fire station

(h) essential public utility and public service installation - such uses shall not include business offices, repair, sales or storage facilities.

(3) Permitted Accessory Uses.<sup>60</sup> Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated under the same ownership and on the same zone lot as the permitted use;

(c) does not include structures or structural features inconsistent with the permitted use;

(d) does not include residential occupancy, except that a single family dwelling on its own designated area for the owner or manager of a mobile/manufactured home court or park may be considered a permitted accessory use;

(e) if operated wholly or partially within the structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed thirty percent (30%) of the gross floor area of the permitted use;

(f) if in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area of the permitted use;<sup>33</sup> and

(g) central laundries, showers, recreation or administrative space may be considered as accessory uses to a mobile/manufactured home court or park.

(4) Minimum Area of Zone Lot.<sup>23,26</sup>

(a) For each mobile/manufactured home in a mobile/manufactured home court or park, there shall be provided a minimum land area of four thousand (4,000) square feet, exclusive of public street rights-of-way or private street easements.<sup>60</sup>

(b) For each single family dwelling, there shall be provided and maintained a separately designated land area of six thousand (6,000) square feet.

(c) For each mobile/manufactured home in a mobile/manufactured home subdivision, there shall be provided and maintained a separately designated zone lot of not less than six thousand (6,000) square feet.<sup>26,29,60</sup>

(5) Minimum Width of Zone Lot.<sup>12</sup>

(a) For lots of at least six thousand (6,000) square feet - fifty feet (50') at the front setback line.

(b) For lots of less than six thousand (6,000) square feet - forty feet (40') at the front setback line.

(6) Minimum Yards for Structures.<sup>23</sup>

(a) Front Yard. Twenty feet (20'); except that on a corner lot, any front yard not directly adjacent to the primary entrance of a main building may be reduced to fifteen feet (15').



(b) Side Yard.<sup>12,60</sup> Five feet (5'); except for the main entry side of a mobile/manufactured home unit, fifteen feet (15'). For the non-entry side of the mobile/manufactured home unit, five feet (5').

(c) Rear Yard. Ten feet (10').

(d) Accessory Structures.<sup>12,60</sup> Not permitted in the front yard and not to be located closer than ten feet (10') to the mobile/manufactured home and no closer than five feet (5') from any property line, except that a garage entered from an alley shall be located no closer than ten feet (10') from the alley.

(7) Permitted Yard Encroachments.

(a) Outdoor terraces or patios constructed at grade and without roofs or walls may project one-half (½) the distance of the required yard into any yard.

(b) Open or unwallled porches, decks, balconies and exterior stairways may project three and one-half feet (3½') into any yards.

(c) Window canopies may project two feet (2') into any yard.

(8) Maximum Height of Structures. Thirty five feet (35').

(9) Permitted Exceptions to Maximum Height. Church spires, church towers, water towers, flagpoles, antennas and fire towers may be erected to any safe height not in conflict with other regulations.

(10) Required Open Space.

(a) For each mobile/manufactured home or single family dwelling, there shall be provided and maintained at least two thousand (2,000) square feet of free and unobstructed open space.<sup>60</sup>

(b) Area devoted to off street parking shall not be counted as free and unobstructed open space.

(11) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

(12) Street Standards.

(a) Where the individual mobile/manufactured home units in a mobile/manufactured home district are served by dedicated public streets, those public streets shall be platted and constructed according to the applicable street standards of the City of Gillette.<sup>60</sup>

(b) Where individual mobile/manufactured home units are served by a private street system, those streets shall:<sup>60</sup>

(1) provide a driving surface of twenty four feet (24') within an easement of forty feet (40'); parking shall be allowed on only one (1) side of the street;

(2) be provided with a four inch (4") thick concrete sidewalk at least thirty inches (30") wide on each side of all streets;

(3) be graded and well drained;

(4) be accessible at all times to emergency vehicles; and

(5) be maintained at all times by the owner and operator of the mobile/manufactured home subdivision or by an established homeowners' association.<sup>60</sup>

(13) Utilities. Utility hookups shall be provided for each mobile/manufactured home unit in the mobile/manufactured home subdivision. These utilities shall include water, sewer, gas, electricity and telephone.<sup>60</sup>

(14) Securing and Skirting.<sup>60</sup> All mobile/manufactured homes and any accessory structures shall be securely fastened to the ground, at least at all four (4) corners. Mobile/manufactured homes, once in their permanent location upon the zone lot, shall be fully skirted.

i. E-MH – Enhanced Manufactured Home District <sup>63</sup>

(1) Purpose. This district is intended for low density single family residential development on individual lots. The district also allows uses which are compatible with and provide support to low density, single family residential environment.

(2) Permitted Uses. The following uses may be operated as permitted uses in the district: <sup>70</sup>

(a) Enhanced manufactured homes which meet all the definitions of an enhanced manufactured home in the Definitions section of this Ordinance.

(b) Single family dwellings either site built or modular units.

(c) Church and/or parish house

(d) Day care<sup>70</sup> (family child care home (FCCH), or family child care center (FCCC), with appropriate state license and operated from the provider's home with a special permit, or child care center (CCC) operated by a church with appropriate State license and a special permit as required under Section 6. t. of this Ordinance.)

(e) Fire station

(f) Foster home, as licensed by the state of Wyoming, provided the necessary State license has been obtained

(g) Police station

(h) Public park, playground and other public recreational facilities

(i) Public and private school for elementary or secondary education

(j) Essential public utility and public service installation – such uses shall not include business offices, repair, sales or storage facilities

(k) Shared living residence for senior citizens

(l) Bed and breakfast

(3) Permitted Accessory Uses Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated and maintained under the same ownership and on the same zone lot as the permitted use;

(c) does not include structures or structural features inconsistent with the permitted use;

(d) does not include residential occupancy;

(e) if operated wholly or partially within the structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed twenty percent (20%) of the gross floor area utilized by the permitted use; and

(f) if in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area of the permitted use.<sup>33</sup>

(4) Minimum Area of Zone Lot. Six thousand (6,000) square feet.

(5) Minimum Width of Zone Lot. Fifty feet (50') at the front setback line.

(6) Minimum Yards for Structures.

(a) Front Yard. Twenty feet (20'); except that on a corner lot, any front yard not directly adjacent to the primary entrance to a main building may be reduced to fifteen feet (15').

(b) Side Yard. Five feet (5').

(c) Rear Yard.

(1) Structures Containing Permitted Uses. Twenty feet (20') or twenty percent (20%) of the depth of the zone lot, whichever is smaller.

(2) Structures Containing Accessory Uses Only.<sup>12</sup> Five feet (5'); provided however, that a garage entered from an alley shall be located no closer than ten feet (10') from the alley.

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into front or rear yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three and one-half feet (3 ½') into front and rear yards.

(c) Cornices, overhangs, eaves and gutters may project two feet (2') into all yards.

(8) Maximum Height of Structures. Thirty five feet (35').

(9) Permitted Exceptions to Maximum Height. Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers may be erected to any safe height not in conflict with other sections of these regulations.

(10) Required Open Space.

(a) Zone lots occupied by enhanced manufactured homes or other single family dwellings shall maintain fifty percent (50%) of the zone lot area as free and unobstructed open space.

(b) Areas devoted to off street parking shall not be counted as free and unobstructed open space.

(11) Fences, Walls and Retaining Walls in Section 6 of this ordinance.<sup>20</sup>

j. E-MH R-S, Enhanced Manufactured Home Suburban Residential District<sup>63</sup>

(1) Purpose. This district is intended as a permanent, residential district for those areas of the community where it is desirable to maintain low residential densities.

(2) Permitted Uses.<sup>20, 70</sup> The following uses may be operated as permitted uses in the district:

(a) Enhanced manufactured homes which meet all the definitions of an enhanced manufactured home in the Definitions section of this Ordinance.

(b) single family dwelling

(c) cemetery

(d) church and/or parish house

(e) community center; may be public or private, but not operated for gain

(f) day care<sup>26,29,55,70</sup> (family day care home (FCCH), or family child care center (FCCC), with appropriate State license and operated from the provider's home with special permit, or child care center (CCC) operated by a church with appropriate State license and a special permit as required under Section 6 t. of this Ordinance.)

(g) fire station

(h) golf courses, including clubhouse facilities

(i) public park, playground and other public recreational facilities

(j) public and private school for elementary or secondary education

(k) essential public utility and public service installation - such uses shall not include business offices, repair, sales or storage facilities.

(l) shared living residence for Senior Citizens (see Section 14. DEFINITIONS for size limitations.)<sup>52</sup>

(m) bed and breakfast home<sup>54</sup>

(3) Permitted Accessory uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated and maintained under the same ownership and on the same zone lot as the permitted use;

(c) does not include structures or structural features inconsistent with the permitted use;

(d) does not include residential occupancy;

(e) does not include the feeding or commercial breeding of animals, or the keeping of animals, except for those small animals normally regarded as household pets;

(f) if operated wholly or partially within a structure containing a permitted use, the gross floor area utilized by the accessory use shall not exceed thirty percent (30%) of the gross floor area of the permitted use; and

(g) if in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area of the permitted use.<sup>26</sup>

(4) Minimum Area of Zone Lot. Fifteen thousand (15,000) square feet.

(5) Minimum Width of Zone Lot. One hundred feet (100') at the front setback line.

(6) Minimum Yards for Structures.

(a) Front Yard.<sup>18</sup> Thirty feet (30'); except that on a corner lot, any front yard not directly adjacent to the primary entrance to a main building may be reduced to twenty five feet (25').

(b) Side Yard.

(1) Structures Containing Permitted Uses. Fifteen feet (15').

(2) Structures Containing Accessory Uses Only. Six feet (6').

(c) Rear Yard. Forty feet (40'); provided however, that a garage entered from an alley may be located not closer than ten feet (10') from the alley line.

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into all yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three and one-half feet (3 ½') into all yards.

(c) Cornices, overhangs, eaves and gutters may project two feet (2') into all yards.

(8) Maximum Height of Structures. Thirty five feet (35').

(9) Permitted Exceptions to Maximum Height. Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers may be erected to any safe height not in conflict with other regulations.

(10) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

k. C-O - Office and Institution District.

(1) Purpose. This district is intended to permit a compatible mixture of public, quasi-public, and private institutional and professional service uses at a moderate level of intensity. This district is designed to be compatible with nearby residential districts.

(2) Permitted Uses. <sup>6,12,22,28,70,73,76</sup> The following uses may be operated as permitted uses in the district:

- (a) art studio
- (b) art supply store
- (c) barber and beauty shop
- (d) boarding and/or rooming house
- (e) book and stationery stores
- (f) candy shop
- (g) church and/or parish house
- (h) cigar and tobacco stores
- (i) clinic, medical or dental
- (j) club or lodge, private and operated for the benefit of members and not for
- (k) drug store (less than three thousand [3,000] square feet of floor area)
- (l) fire station
- (m) florist, card and gift shops
- (n) group care facility

gain

(o) day care,<sup>70</sup> (family child care center (FCCC) or child care center (CCC), with appropriate State license. All outdoor play areas must be fenced.)

(p) group foster home, as licensed by the State of Wyoming, provided the necessary State license has been obtained.

(q) halfway house<sup>43</sup>

(r) home for the elderly

(s) hospital<sup>46</sup>

(t) library

(u) medical and orthopedic appliance store

(v) mixed- use development, subject to approval of a Development Plan, pursuant to Section 11. Minimum area of a zone lot for mixed-use development shall be 3000 square feet per residential dwelling unit.<sup>73</sup>

(w) mortuary, includes a crematorium as an accessory use.

(x) music studio

(y) newsstand

(z) office in which goods, wares or merchandise are not commercially created, displayed, exchanged or sold

(aa) office supply or office equipment store

(bb) optician or optometrist's devices

(cc) parking of vehicles; must comply with all of the provisions of Section 9.b., relating to design, use and maintenance of off street parking.

(dd) pharmacy

(ee) police station

(ff) post office

(gg) public park, playground and other public recreational facilities



education<sup>30</sup> (hh) public or private school for elementary, secondary or post-secondary

(ii) essential public utility and public service installation; such uses shall not include repairs, sales or storage facilities.

(jj) restaurant, standard<sup>24</sup>

(kk) travel agency

(3) Permitted Accessory uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated and maintained under the same ownership and on the same zone lot as the permitted use;

(c) does not include structures or structural features inconsistent with the permitted use;

(d) except for Mixed-Use Development, does not include residential occupancy, except by owners or employees employed on the same premises and their families, provided however that no more than one (1) dwelling unit shall be allowed for each permitted use; mobile/manufactured homes shall not be permitted;<sup>29,60,73</sup>

(e) if operated wholly or partly within the structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed thirty percent (30%) of the gross floor area of the permitted use; and

(f) if in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area of the permitted use.<sup>26</sup>

(4) Permitted Home Occupations. None allowed.

(5) Minimum Area of Zone Lot. Seven thousand (7,000) square feet.

(6) Minimum Width of Zone Lot. Fifty feet (50') at the front setback line.

(7) Minimum Yards for Structures.

(a) Front Yard. <sup>18</sup> Ten feet (10'). On a corner lot, the ten foot (10') front yard shall apply to both streets.

(b) Side Yard. No side yard is required; except when the property adjoins residentially zoned property, then a side yard of five feet (5') must be provided.

(c) Rear yard. No rear yard is required; except when the property adjoins residentially zoned property, then a rear yard of twenty feet (20') must be provided.

(8) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into front or rear yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three and one-half feet (3 ½') into front and rear yards.

(c) Cornices, overhangs, eaves and gutters may project two feet (2') into all yards.

(9) Maximum Height of Structures.<sup>12</sup>

(a) Within one hundred fifty feet (150'), including street and alley rights-of-way, of an R-S, R-1, R-2, R-3, M-H, E-MH or E-MH R-S District - fifty feet (50').<sup>65</sup>

(b) More than one hundred fifty feet (150') from an R-S, R-1, R-2, R-3, M-H, E-MH or E-MH R-S District - one hundred feet (100').<sup>65</sup>

(10) Permitted Exceptions to Maximum Height. Church spires, church towers, water towers, flagpoles, antennas and fire towers may be erected to any safe height not in conflict with other regulations.

(11) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

1. C-P - Planned Neighborhood Business District.<sup>1</sup>

(1) Purpose. <sup>12</sup> This district is intended to be located in areas with excellent vehicular access, to provide convenience shopping goods for nearly residential and institutional areas. Since convenience shopping areas are most effective as a combination of several retail uses, it is intended that the provisions of Section 11., Development Plans, shall always apply to any development in this district.

(2) Permitted Uses. <sup>12, 70,73</sup> The following uses may be operated as permitted uses in the district:

(a) artist's studio

(b) art supply store

- (c) bakery and pastry shop
- (d) bank or other savings or lending institution
- (e) barber and beauty shop
- (f) bicycle shop
- (g) book and stationery store
- (h) candy store
- (i) church and/or parish house
- (j) cigar and tobacco store
- (k) clothing store
- (l) convenience store
- (m) delicatessen
- (n) drug store
- (o) dry goods and notions store
- (p) dry cleaning and laundry establishment
- (q) essential public utility and public service installation.
- (r) fire station <sup>62</sup>
- (s) fix-it shops for radio, television and small appliances
- (t) florist
- (u) gasoline filling station; shall not include body work, painting or major repairs
- (v) day care,<sup>70</sup> (family child care center (FCCC) or child care center (CCC), with appropriate State license. All outdoor play areas must be fenced.)
- (w) hardware store
- (x) hobby shop

- (y) ice cream shop
- (z) interior decorator
- (aa) jewelry store
- (bb) leather goods store
- (cc) library
- (dd) liquor store
- (ee) lock and key shop
- (ff) meat market
- (gg) medical or dental clinic
- (hh) milk products store

(ii) mixed- use development, subject to approval of a Development Plan, pursuant to Section 11. Minimum area of a zone lot for mixed-use development shall be 3000 square feet per residential dwelling unit.<sup>73</sup>

- (jj) music studio
- (kk) neighborhood recreational facility <sup>1</sup>
- (ll) newsstand
- (mm) office
- (nn) paint or wallpaper store
- (oo) pet shop
- (pp) photographic studio
- (qq) picture framing shop
- (rr) restaurant, standard <sup>24</sup>
- (ss) retail sales
- (tt) sewing machine shop

- (uu) shoe store
- (vv) sporting goods store
- (xx) tailor shop
- (yy) tavern or lounge
- (zz) toy store
- (aaa) travel agency
- (bbb) variety store

- (3) Permitted Accessory Uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated under the same ownership and on the same zone lot as the permitted use;

(c) does not include structures or structural features inconsistent with the permitted use;

(d) except for Mixed-Use Development, does not include residential occupancy, except by owners and employees employed on the premises and their families; provided however, that no more than one (1) such dwelling unit shall be allowed for each permitted use. Mobile/manufactured homes shall not be permitted; <sup>12,60,73</sup> and

(e) if operated within a structure, shall not exceed a gross floor area of fifty percent (50%) of the gross floor area of the permitted use. If operated as an open, accessory use, shall not exceed fifty percent (50%) of the area of the zone lot.

- (4) Permitted Home Occupations. None allowed.

- (5) Minimum Area of Zone Lot. <sup>12</sup> Seventeen thousand five hundred (17,500) square feet.

- (6) Minimum Width of Zone Lot. One hundred feet (100') at the front setback line.

- (7) Minimum Yards for Structures. <sup>2, 5, 7, 12, 18, 19</sup>

(a) Front Yard. <sup>18</sup> Twenty feet (20'); except that on a corner lot, any front yard not directly adjacent to the primary entrance to a main building may be reduced to fifteen feet (15').

(b) Side Yard. Ten feet (10').

(c) Rear Yard. Ten feet (10').

(d) Buffer Strip. In yards adjacent to residentially zoned property, there shall be a buffer of open space at least ten feet (10') in width.

(8) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into all yards.

(b) Exterior stairways, cornices, eaves and gutters may project three and one-half feet (3 ½') into all yards.

(9) Maximum Height of Structures. Forty five feet (45').

(10) Permitted Exceptions to Maximum Height. Water towers, flagpoles and antennas may be erected to any safe height not in conflict with other regulations.

(11) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

m. C-1 - General Commercial District.

(1) Purpose. This district is intended to provide locations for basic retail service and office uses, in addition to those normally permitted in neighborhood convenience centers and those normally found in downtown locations. These commercial uses may be relatively large or intense in nature and need good access. Their proximity and location, in relation to residential districts, should be carefully considered, in order to avoid any adverse impacts on the residential areas.

(2) Permitted Uses. <sup>3, 5, 7, 20, 43, 50, 60, 70, 73,76</sup> The following uses may be operated as permitted uses in the district:

(a) amusement place

(b) animal hospital, providing it is completely enclosed in a building

(c) antique shop and store, providing all merchandise is displayed and sold inside a building

(d) apparel and accessory store

- (e) art and art supply store
- (f) auditorium and similar places of public assembly
- (g) automobile and mobile/manufactured home sales, service and repair, new and used
- (h) auto supply store
- (i) banks and other savings and lending institutions
- (j) barber and beauty shop
- (k) bicycle shop
- (l) books and stationery store
- (m) bowling alley
- (n) business and technical school and school for photography, music and dancing
- (o) carpenter and cabinet shop, employing five (5) persons or less
- (p) church and/or parish house
- (q) cigar and tobacco store
- (r) clothing and costume rental
- (s) commercial storage facilities
- (t) commercial recreation
- (u) custom dressmaking, furrier, millinery or tailor shop, employing five (5) persons or less
- (v) day care,<sup>70</sup> (family child care center (FCCC) or child care center (CCC), with appropriate State license. All outdoor play areas must be fenced.)
- (w) delicatessen and catering establishment
- (x) department store
- (y) drug store and prescription shop

- (z) dry goods and notions store
- (aa) dry cleaning and laundry establishment, employing five (5) persons or less
- (bb) electric repair shop (household appliances)
- (cc) essential public utility and public service installation
- (dd) fire station, police station and jail
- (ee) fix-it shop (radio, television and small household appliance repair)
- (ff) florist and gift shop
- (gg) furniture and home furnishing store
- (hh) garden shop
- (ii) garage (public and private)
- (jj) gasoline filling station
- (kk) golf driving range and miniature golf
- (ll) greenhouse and nursery (place where young trees or other plants are raised for experimental purposes for transplanting or for sale)
- (mm) grocery store, including retail meat markets and produce stores
- (nn) group care facility<sup>67</sup>
- (oo) hardware store (may include the sale of building materials)
- (pp) hobby, stamp and coin shop
- (qq) hotel and motel
- (rr) household appliance store
- (ss) implement sales and service
- (tt) interior decorator's shop
- (uu) jewelry and metal craft store



(vv) leather goods and luggage store

(ww) library and museum

(xx) lock and key shop

(yy) lumber yard

(zz) mail order catalog store

(aaa) medical, dental and health clinic

(bbb) medical and orthopedic appliance store

(ccc) messenger or telegraph service station

(ddd) mixed-use development, subject to approval of a Development Pan, pursuant to Section 11. Minimum area of a zone lot for mixed-use development shall be 2000 square feet per residential dwelling unit.<sup>73</sup>

(eee) mortuary, includes a crematorium as an accessory use.

(fff) music instrument sales and repair shop

(ggg) music studio, radio and television store

(hhh) newspaper office

(iii)newsstand

(jjj)offices and office building

(kkk) office supply and office equipment store

(lll)optician and optometrist's shop

(mmm) package liquor store

(nnn) paint store

(ooo) parking of vehicles; must comply with all of the provisions of Section 9.b., relating to the design, use and maintenance of off street parking

(ppp) pawn shop

(qqq) pet shop

(rrr) photographic equipment and supply store

(sss) photographic studio

(ttt) picture frame shop

(uuu) plumbing shop, employing five (5) persons or less

(vvv) post office<sup>66</sup>

(www) printing and publishing house, including newspapers

(xxx) private club, fraternity, sorority and lodge

(yyy) public or private school for elementary or secondary education

(zzz) radio and television studio

(aaaa) railway right-of-way

(bbbb) recreational vehicle (RV) park<sup>68</sup>

(cccc) rental store

(dddd) restaurant, fast food<sup>24</sup>

(eeee) restaurant, standard<sup>24</sup>

(ffff) small business machine sales, repair and service

(gggg) self service laundry

(hhhh) sewing machine store

(iiii) sheet metal shop, employing five (5) persons or less

(jjjj) shoe repair and shoe shine shop

(kkkk) shoe store

(llll) sporting and athletic goods store

(mmmm) tailor shop, employing five (5) persons or less

(nnnn) tavern or lounge

(oooo) taxidermy<sup>49</sup>

(pppp) theater, including drive-in theater

(qqqq) tinsmith shop, employing five (5) persons or less

(rrrr) tire repair shop

(ssss) tinsmith shop, employing five (5) persons or less

(tttt) toy store

(uuuu) travel agency

(vvvv) variety store and shop

(wwwv) veterinary clinic, providing all animal runs or observation pens are completely enclosed

(xxxx) wallpaper store and shop

(yyyy) watch repair shop

(zzzz) water equipment sales and service<sup>58</sup>

(aaaaa) use added and removed<sup>43,50</sup>

(3) Permitted Accessory Uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated under the same ownership and on the same zone lot as the permitted use;

(c) except for Mixed-Use Development, does not include residential occupancy, except by owners and employees employed on the premises and their families; provided however, that no more than one (1) such dwelling unit shall be allowed for each permitted use. Mobile/manufactured homes shall not be permitted;<sup>12, 60, 73</sup>  
and

(d) if operated within a structure, shall not exceed a gross floor area of fifty percent (50%) of the gross floor area of the permitted use. If operated as an open accessory use, shall not exceed a gross floor area of fifty percent (50%) of the area of the zone lot.

(4) Permitted Home Occupations. None.

(5) Minimum Area of Zone Lot. None.

(6) Minimum Width of Zone Lot. Fifty feet (50') at the front setback line.

(7) Minimum Yards for Structures.

(a) Front Yard. Twenty Feet (20').

(b) Side Yard. Five feet (5').

(c) Rear Yard. Fifteen feet (15').

(d) Corner Lots. For corner lots with two (2) front yards, the other two (2) yards may be side yards.

(8) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into all yards.

(b) Exterior stairways, cornices, eaves and gutters may project three and one-half feet (3 ½') into all yards.

(9) Maximum Height of Structures. Forty five feet (45').

(10) Permitted Exceptions to Maximum Height. Church spires, church towers, water towers, flagpoles, antennas and fire towers may be erected to any safe height not in conflict with other regulations.

(11) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

n. C-2 - Central Business District.

(1) Purpose. This district is intended for the purpose of grouping those retail, commercial, institutional and office uses necessary for a central business district, serving a major trade area larger than a segment of the community. This district is intended to be the most intensely developed of all of the business districts.

- (2) Permitted Uses. <sup>7, 70, 73, 76</sup> The following uses may be operated as permitted uses in the district:
- inside the building
- (a) amusement place
  - (b) antique shop and store, providing all merchandise is displayed and sold
  - (c) apparel and accessory store
  - (d) art and art supply store
  - (e) auditorium and similar places of public assembly
  - (f) automobile and mobile/manufactured homes sales; services incidental to such sales when part of the main use <sup>30, 60</sup>
  - (g) auto supply store
  - (h) bank and other savings and lending institutions
  - (i) barber and beauty shop
  - (j) bicycle shop
  - (k) books and stationery store
  - (l) bowling alley
  - (m) business and technical school and school for photography, music and dancing
  - (n) carpenter and cabinet shop, employing five (5) persons or less
  - (o) church and/or parish house
  - (p) cigar and tobacco store
  - (q) clothing and costume rental
  - (r) commercial recreation use
  - (s) custom dressmaking, furrier, millinery or tailor shop, employing five (5) persons or less

- (t) delicatessen and catering establishment
- (u) department store
- (v) drug store and prescription shop
- (w) dry goods and notions store
- (x) dry cleaning and laundry establishment, employing five (5) persons or less
- (y) electric repair shop (household appliances)
- (z) essential public utility and public service installation
- (aa) fire station, police station and jail
- (bb) fix-it shop (radio, television and small household appliance repair)
- (cc) florist and gift shop
- (dd) furniture and home furnishing store
- (ee) garage (public and private)
- (ff) garden shop
- (gg) gasoline filling station; shall not include body work, painting or major repairs
- (hh) grocery store, including retail meat markets and produce stores
- (ii) day care,<sup>70</sup> (family child care center (FCCC) or child care center (CCC), with appropriate State license. All outdoor play areas must be fenced.)
- (jj) hardware store
- (kk) hobby, stamp and coin shop
- (ll) hotel and motel
- (mm) household appliance store
- (nn) interior decorator's shop
- (oo) jewelry and metal craft store

- (pp) leather goods and luggage store
- (qq) library and museum
- (rr) lock and key shop
- (ss) mail order catalog store
- (tt) medical, dental and health clinic
- (uu) medical and orthopedic appliance store
- (vv) messenger or telegraph service station

(ww) mixed-use development, subject to approval of a Development Plan, pursuant to Section 11. Minimum area of a zone lot for mixed-use development shall be 1500 square feet per residential dwelling unit.<sup>73</sup>

- (xx) mortuary, includes a crematorium as an accessory use.
- (yy) multiple family dwelling
- (zz) music instrument sales and repair shop
- (aaa) music studio, radio and television store
- (bbb) newspaper office
- (ccc) newsstand
- (ddd) office
- (eee) office supply and office equipment store
- (fff) optician and optometrist's shop
- (ggg) package liquor store
- (hhh) paint store
- (iii) pawn shop

(jjj) parking of vehicles; must comply with all of the provisions of Section 9.b., relating to design, use and maintenance of off street parking.

(kkk) pet shop

(lll) photographic equipment and supply store

(mmm) photographic studio

(nnn) picture frame shop

(ooo) plumbing shop, employing five (5) persons or less

(ppp) <sup>66</sup> post office

(qqq) printing and publishing house, including newspapers

(rrr) private club, fraternity, sorority and lodge

(sss) public or private school for elementary or secondary education

(ttt) railroad, taxi or bus station

(uuu) railroad, taxi or bus station

(vvv) radio and television station

(www) rental store

(xxx) restaurant, fast food <sup>24</sup>

(yyy) restaurant, standard <sup>24</sup>

(zzz) self service laundry

(aaaa) sewing machine store

(bbbb) sheet metal shops, employing five (5) persons or less

(cccc) shoe repair and shoe shine shop

(dddd) shoe store

(eeee) small business machine sales, repair and service

(ffff) sporting and athletic goods store

(gggg) tailor shop, employing five (5) persons or less



- (hhhh) tavern or lounge
- (iiii) theater
- (jjjj) tinsmith shop, employing five (5) persons or less
- (kkkk) tire repair shop
- (llll) toy store
- (mmmm) travel agency
- (nnnn) variety store and shop
- (oooo) wallpaper store and shop
- (pppp) watch repair shop
- (qqqq) wholesale establishment

(3) Permitted Accessory Uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated under the same ownership and on the same zone lot as the permitted use;

(c) except for Mixed-Use Development, does not include residential occupancy, except by owners and employees employed on the premises and their families; provided however, that no more than one (1) such dwelling unit shall be allowed for each permitted use; hotels and motels shall not be considered full time, residential occupancy;<sup>73</sup> and

(d) if operated within a structure, shall not exceed a gross floor area of fifty percent (50%) of the gross floor area of the permitted use. If operated as an open accessory use, shall not exceed a gross floor area of fifty percent (50%) of the area of the zone lot.

(4) Permitted Home Occupations. None allowed.

(5) Minimum Area of Zone Lot. None.

(6) Minimum Width of Zone Lot. None.

(7) Minimum Yards for Structures. <sup>26</sup> None; except that all sight triangles shall be preserved.

(8) Maximum Height of Structures. None.

(9) Fences, Walls and Retaining Walls. See Section 6.r. <sup>20</sup>

(10) Permitted Right-of-Way Encroachments<sup>85</sup>

(a) Awnings, cornices, overhangs, eaves, and gutters may project over the public right-of-way, provided the projection is at least eight feet (8') above any pedestrian way, and provided the projection is no closer than eighteen inches (18") from any curb line.

(b) Sandwich board signage, clothing racks, sale tables and other temporary advertising or merchandise displays associated with the permitted use may be placed within the thirty inch (30") custom accent zone of colored concrete directly adjacent to buildings located on Gillette Avenue. All items placed in the custom accent zone shall not extend onto the adjacent pedestrian way and be removed daily by the merchant at the close of business.

(c) Outdoor dining and beverage service shall be allowed on Gillette Avenue directly adjacent to the permitted use and extending into the public right-of-way from April 1<sup>st</sup> through October 31<sup>st</sup> of each calendar year, between the hours of 6:00 a.m. and 11:00 p.m. provided that:

1) A lease and Sidewalk Use Agreement between the City of Gillette and the business/property owner has been completed.

2) A Zoning Permit for the outdoor service area has been obtained by the applicant.

3) The design of the Sidewalk Café complies with the City of Gillette Sidewalk Café Design Guidelines.

o. C-3 - Business/Services District. <sup>21</sup>

(1) Purpose. This district is intended to accommodate a compatible mixture of office, light industrial uses, business services, retail outlets for adjoining industry and retail uses not dependent on visual exposure to passing motorists. Uses in this district are not to create obnoxious sounds, glare, dust or odors which would interfere with nearby residential areas.

(2) Permitted Uses.<sup>74</sup> The following uses may be operated as permitted uses in the district:

- (a) appliance repair, sales and service
- (b) automobile and mobile/manufactured home sales, service and repair<sup>30,60</sup>
- (c) auto supply store
- (d) bakery
- (e) barber and beauty shop
- (f) bicycle
- (g) business machine sales, service and repair
- (h) carpenter and cabinet shop
- (i) carpet and floor covering store
- (j) catering
- (k) clinical, medical and dental
- (l) commercial recreation
- (m) commercial storage facility
- (n) custom dressmaking, furrier, millinery or tailor shop
- (o) dry cleaning and laundry,
- (p) electrician shop
- (q) electrical supply
- (r) essential public utility and public service installation
- (s) fire station
- (t) food preparation, wholesaling and distribution
- (u) frozen food locker
- (v) furniture and home furnishings sales and restoration
- (w) feed and ranch supply, wholesale and retail

- (x) garage (public and private)
- (y) greenhouse and plant nursery
- (z) day care,<sup>70</sup> (family child care center (FCCC) or child care center (CCC), with appropriate State license. All outdoor play areas must be fenced.)
- (aa) hardware store
- (bb) hospital equipment and supplies
- (cc) implement sales and service
- (dd) industrial equipment sales, service and distribution
- (ee) laboratory
- (ff) locksmith
- (gg) lumber yard and building material sales and storage (except for ready-mix concrete and asphalt and industrial pipe yards)<sup>74</sup>
- (hh) manufacturing, light - including bottling, electronics, jewelry, metal craft, monument and plastics
- (ii) medical and orthopedic appliance store
- (jj) offices and office buildings
- (kk) office supply and office equipment store
- (ll) paint and wallpaper store
- (mm) parking of vehicles; must comply with all of the provisions of Section 9.b., relating to the design, use and maintenance of off-street parking
- (nn) picture-framing shop
- (oo) plumbing shop, including wholesale and retail sales of plumbing supplies
- (pp) post office
- (qq) printing and publishing house, including newspapers

(rr) private club, fraternity, sorority and lodge

(ss) radio, television and music studio

(tt) railroad right-of-way

(uu) railroad, taxi or bus station

(vv) recreation vehicle sales, service and repair

(ww) rental store

(xx) restaurant, standard

(yy) restaurant equipment and supplies

(zz) retail sales - the sale at retail of any commodity manufactured, processed, fabricated or warehoused only on the premises, provided that not more than thirty-five percent (35%) of the floor area be devoted to retail operations.

(aaa) saddle and tack sales and repair

(bbb) sheet-metal shop

(ccc) tire store

(ddd) travel agency

(eee) upholstering shop

(fff) vending company

enclosed (ggg) veterinary clinic, provided all animal runs or observation pens are completely

(hhh) vocational, technical or business school

(iii) warehouse

(jjj) water conditioning equipment sales and service

(kkk) wholesaling

(lll)<sup>49</sup> taxidermy

(3) Permitted Accessory Uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated under the same ownership, or lessees thereof, and on the same zone lot as the permitted use;

(c) does not include residential occupancy, except by a caretaker or watchman employed on the premises; and

(d) does not include an area of over ten percent (10%) of the area of the zone lot or thirty five percent (35%) of the gross floor area of the permitted use, whichever is greater.

(4) Permitted Home Occupations. None allowed.

(5) Minimum Area of the Zone Lot. Fifteen thousand (15,000) square feet.

(6) Minimum Width of the Zone Lot. Seventy five feet (75') at the front setback line.

(7) Minimum Yards for Structures.

(a) Front Yard.<sup>18</sup> Twenty feet (20'); except that on a corner lot, any front yard not directly adjacent to the primary entrance to a main building may be reduced to fifteen feet (15').

(b) Side Yard. Five feet (5'); except in cases where the zone lot abuts a residential district, then fifteen feet (15') on the abutting side.

(c) Rear Yard. Fifteen feet (15').

(8) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four inches (24") into all yards.

(b) Exterior stairways, cornices, eaves and gutters may project three and one-half feet (3 ½') into all yards.

(9) Maximum Height of Structures.

(a) For a building or structure within one hundred fifty feet (150') of a residential district - forty five feet (45').

(b) For a building or structure more than one hundred fifty feet (150') from a residential district - seventy five feet (75').

(10) Permitted Exceptions to Maximum Height. Water towers, flagpoles and antennas may be erected to any safe height not in conflict with other regulations.

(11) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

(12) Outdoor Storage and Waste Disposal.

(a) No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground.

(b) All outdoor storage of materials, which is adjacent to a non-industrial zoning district other than the C-3 District, shall be enclosed by a solid fence or structure adequate to conceal the materials from the adjacent property.

(c) No materials or wastes shall be deposited on the zone lot in such a manner that they may be carried off the zone lot by natural forces or causes.

(d) All materials or wastes which might cause fumes or dust, which constitute a fire hazard or which might be attractive to rodents or insects shall be stored in closed containers.

p. I-1 - Light Industrial District.

(1) Purpose. This district is intended to allow a compatible mixture of light industrial uses which do not require intensive land coverage, generate large volumes of traffic or create obnoxious sounds, glare, dust or odors. District regulations insure compatibility with adjacent or nearby residential areas.

(2) Permitted Uses.<sup>7,20,74,76</sup> The following uses may be operated as permitted uses in the district:

(a) airport

(b) animal hospital, providing it is completely enclosed in a building

(c) armory

(d) assembly or fabrication from component parts or from materials already processed or manufactured into their final usable state

- (e) automobile repair
- (f) bottling plant
- (g) building material storage or sales, except for ready-mix concrete
- (h) carpenter, cabinet, plumbing or sheet metal shop
- (i) contractor's yard for vehicles, equipment and supplies, providing all storage areas are completely enclosed by a six foot (6') high solid fence
- (j) crematorium
- (k) dry cleaning or laundry plant
- (l) essential public utility and public service installation
- (m) fire station
- (n) frozen food locker
- (o) grain and feed mill
- (p) grain elevator
- (q) greenhouse and plant husbandry
- (r) halfway house
- (s) industrial pipe yard<sup>74</sup>
- (t) laboratory
- (u) lumber yard



(v) machinery and implement sales, service and repair

(w) monument-making and sales

(x) motor vehicle sales, service, repair and storage

(y) oilfield supply sales and storage

(z) office

(aa) police station

(bb) printing and publishing

(cc) parking or storage of vehicles; must comply with all of the provisions of Section 9.b., relating to design, use and maintenance of off-street parking

(dd) radio or television transmitting station

(ee) railroad facilities, including shops and yards

(ff) railway right of way

(gg) restaurant, standard<sup>24</sup>

(hh) taxidermy

(ii) truck or rail terminal

(jj) underground oil or gas storage facilities, as approved by the City Engineer  
and Fire Warden

(kk) upholstering shop

(ll) veterinary clinic, providing all animal runs or observation pens are completely enclosed

(mm) vocational or training school

(nn) warehousing or storage

(oo) welding shop

(pp) wholesaling

(qq) commercial recreation

(3) Permitted Accessory Uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated under the same ownership and on the same zone lot as the permitted use;

(c) does not include residential occupancy, except by a caretaker or watchman employed on the premises; and

(d) does not include an area of over ten percent (10%) of the area of the zone lot.

(4) Permitted Home Occupations. None allowed.

(5) Minimum Area of Zone Lot. None.

(6) Minimum Width of Zone Lot. None.

(7) Minimum Yards for Structures.

(a) Front Yard. Twenty-five feet (25'); except that on a corner lot, any front yard not directly adjacent to the primary entrance to a main building may be reduced to fifteen feet (15').

(b) Side Yard. Five feet (5'); except in cases where the zone lot abuts a residential district, then fifteen feet (15') on the abutting side.

(c) Rear yard. Fifteen feet (15').

(8) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four inches (24") into all yards.

(b) Exterior stairways, cornices, eaves and gutters may project three and one-half feet (3 ½') into all yards.

(9) Maximum Height of Structures.

(a) For a building or structure within one hundred fifty feet (150') of a residential district - forty five feet (45').

(b) For a building or structure more than one hundred fifty feet (150') from a residential district - seventy five feet (75').

(10) Permitted Exceptions to Maximum Height. Water towers, flagpoles and antennas may be erected to any safe height not in conflict with other regulations.

(11) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

(12) Outdoor Storage and Waste Disposal.

(a) No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground.

(b) All outdoor storage of materials, which is adjacent to a non-industrial zoning district, shall be enclosed by a solid fence or structure adequate to conceal the materials from the adjacent property.<sup>12</sup>

(c) No materials or wastes shall be deposited on the zone lot, in such a manner that they may be carried off the zone lot by natural forces or causes.

(d) All materials or wastes which might cause fumes or dust, which constitute a fire hazard, or which might be attractive to rodents or insects shall be stored in closed containers.

q. I-2 - Heavy Industrial District.

(1) Purpose. This district is intended to allow for intensive basic or primary industrial uses which are generally not compatible with residential or commercial activity.

district: (2) Permitted Uses.<sup>74,76</sup> The following uses may be operated as permitted uses in the

- (a) animal hospital
- (b) animal or livestock sales
- (c) asphalt plant
- (d) bottling works
- (e) building materials, storage and sales
- (f) contractor's yard for vehicles, equipment and supplies
- (g) crematorium
- (h) bulk plant, gasoline or LP gas
- (i) dry cleaning and laundry plant
- (j) essential public utility or public service installation
- (k) feed and seed store
- (l) fire station
- (m) gasoline filling station
- (n) grain elevator
- (o) grinding mill
- (p) greenhouses and nursery

- (q) heavy equipment sales, service and repair
- (r) incinerator
- (s) industrial pipe yard<sup>74</sup>
- (t) kennel for the keeping, boarding or training of animals
- (u) junk yard, auto wrecking yard or salvage yard, subject to the following

conditions:

(1) Located on a tract of land at least three hundred feet (300') from a residential district zone.

(2) The operation shall be conducted wholly within a non-combustible building or within an area completely surrounded on all sides by a solid fence, wall or hedge at least six feet (6') high. The fence, wall or hedge shall be of uniform height, uniform texture and color and shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard.

(3) No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge, fence or wall, or within the public right-of-way.

(4) Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department. Burning, when permitted, shall be done during daylight hours only.

(v) lumber yard

(w) manufacturing, processing or fabrication

(x) oil, gas and mineral exploration and production, with permission of the City Council, as provided for under applicable provisions elsewhere in the Gillette Municipal Code

(y) <sup>30</sup>oil, gas or mineral processing, separation or storage <sup>30</sup>

(z) oilfield supply, storage and sales

(aa) parking or storage of vehicles; must comply with all of the provisions of Section 9.b., relating to the design, use and maintenance of off-street parking

(bb) quarry

(cc) railroad facilities, including shops and yards

(dd) ready mix concrete plant

(ee) refinery

(ff) sanitary landfill

(gg) sexually oriented businesses <sup>59</sup>

(hh) slaughterhouse

(ii) truck or freight terminal

(jj) veterinary clinic

(kk) warehouse

(ll) welding shop

(3) Permitted Accessory Uses. Any use which complies with all of the following conditions may be operated as an accessory use to a permitted use:

(a) is clearly incidental and customary to and commonly associated with the operation of the permitted use;

(b) is operated under the same ownership and on the same zone lot as the permitted use;

(c) does not include residential occupancy, except by a caretaker or a watchman employed on the premises; and

(d) does not include an area of over ten percent (10%) of the area of the zone lot.

(4) Permitted Home Occupations. None allowed.

(5) Minimum Area of Zone Lot. None.

(6) Minimum Width of Zone Lot. None.

(7) Minimum Yards for Structures.<sup>26</sup>

(a) Front Yard. None; except that all sight triangles shall be preserved.

(b) Side Yard. None; except in cases where the zone lot abuts a residential district, then fifteen feet (15') on the abutting side.

(c) Rear Yard. None; except in cases where the zone lot abuts a residential district, then twenty feet (20').

(8) Permitted Yard Encroachments. None allowed.

(9) Maximum Height for Structures.

(a) For a building or structure within one hundred fifty feet (150') from a residential district - one hundred fifty feet (150').

(10) Permitted Exceptions to Maximum Height. Water towers, flagpoles and antennas may be erected to any safe height not in conflict with other regulations.

(11) Fences, Walls and Retaining Walls. See Section 6.r.<sup>20</sup>

(12) Outdoor Storage and Waste Disposal.

(a) Fuel and flammable liquids stored above ground and in storage tanks of three hundred (300) gallons or more shall be diked to prevent the complete escape of liquid in the event of a rupture of the storage tank. Such storage tanks shall be at least fifty feet (50') from any building and fifty feet (50') from the boundary lines of the zone lot.

(b) No materials or wastes shall be deposited upon the zone lot in such a manner that they may be carried off the zone lot by natural forces or causes.

(c) All materials or wastes which might cause fumes or dust, which constitute a fire hazard or which might be attractive to rodents or insects, shall be stored in closed containers.

r. Fences, Walls and Retaining Walls.<sup>20, 65, 81</sup>

(1) Any fence, wall or retaining wall over three feet (3') in height shall be erected only after application to and approval of a permit by the Zoning Administrator.

(2) In the R-R, R-S, R-1, R-2, R-3, R-4, M-H, E-MH, E-MH R-S, C-O and C-P Districts, fences, walls and retaining walls may be erected to a maximum height of four feet (4') in the required front yard and to a maximum height of six and one-half feet (6 ½') on any part of the zone lot not in the required front yard subject to the exception in subsection (e).

(a) A sight distance triangle shall be maintained at the intersection of two (2) streets, a street and an alley, or a street and the pavement line of a commercial or a common, multi-family driveway in which nothing shall hereafter be erected, plated, or planted which would obstruct the view of motorists entering or leaving the intersection according to the terms of Section 611.5, et seq. of the City of Gillette 2005 Design Standards, as adopted by § 7-2 of the Gillette City Code.

(b) A single obstruction, less than twenty four inches (24") in width, shall not be considered a violation of the sight triangle, except a single tree of any diameter whose vegetation does not extend into the required, unobstructed area, shall also not be considered a violation. All other vegetation not maintained within the specifications in the definition of a sight triangle shall be considered a violation. If, in the opinion of the City Engineer, an unusual condition of topography, street grade and/or lot grade exists which requires additional regulation of a particular intersection to insure a safe sight distance, the Zoning Administrator may establish a maximum safe height of obstructions in any sight triangle which is different than these standards and which is based on the City Engineer's recommendation.

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(c) No barbed wire or electrically charged fences shall be permitted; except that for essential public facilities, barbed wire shall be permitted, provided it is not less than six feet (6') above ground level.



(d) Where a C-P District directly abuts an R-R, R-S, R-1, R-2, R-3, R-4, M-H, E-MH or E-MH R-S, District, without an intervening street or alley, a solid fence or wall at least four feet (4') high, but no higher than six and one-half feet (6 ½'), shall be provided on or near the property line between the commercial and residential district and maintained by the owner of the property in the C-P District, unless otherwise prohibited.

(e) Fences, walls and retaining walls on corner lots may be constructed in secondary front yards, as determined by the Planning Department, but outside the limits of the sight distance triangle, up to 6 feet in height. Fences may not exceed 4 feet in height within street right of ways. In addition, driveways or vehicular access points shall not be located within the secondary front yard or the sight distance triangle.

(3) In the C-1, C-2, C-3, and I-1 and I-2 Districts, fences, walls and retaining walls may be erected to a height of seven feet (7') on any part of the zone lot, except that:<sup>21</sup>

(a) Corner clearance of all sight triangles, as stated in Section 6.p.(2)(a) and (b) shall apply, except open mesh fences may be erected in the sight triangle, not to exceed seven feet (7') in height.

(b) The total maximum of a solid or visually screening fence, plus the barbed wire, shall not exceed seven feet (7') in height.<sup>27</sup>

(c) Height requirements for scenery, backdrops or other solid structures used solely for professional photography shall not exceed a maximum of twelve feet (12') in height within any rear yard.<sup>36</sup>

(4) In the Agricultural District, fences, walls and retaining walls may be erected to a height of six and one-half feet (6 ½') on any part of the zone lot, except that:

(a) Corner clearance of all sight triangles, as stated in Section 6.p.(2)(a) and (b) shall apply.

(b) However, open mesh fences may be erected in the sight triangle, not to exceed six and one-half feet (6 ½') in height.

(5) Open mesh fences of any height may be erected on zone lots containing schools, public parks, playgrounds or other public facilities. Solid fences of no more than ten (10) feet in height may be erected for screening or wind protection purposes at such facilities with specific approval of the Zoning Administrator. Such fences shall meet all design and construction requirements specified in the Building Codes and sight triangle requirements.<sup>37</sup>

(6) In the case of a fence erected atop a retaining wall, the maximum height shall apply to the height of the fence, as measured from the inside grade of the retaining wall; within any required rear yard, maximum heights may be applied separately to the fence and retaining wall.

(7) No fence, wall, retaining wall or anything else that would interfere in the operation of a fire hydrant shall be permitted less than three feet (3') from any fire hydrant.<sup>26, 34</sup>

s. Home Occupations.<sup>26</sup> Permitted in all residential districts, provided all of the following conditions are met:

(1) Such use shall be conducted entirely within the permitted dwelling unit<sup>28</sup> or legally complying, accessory structure(s) and carried out by the inhabitants living there and no others.

(2) Such use shall be clearly incidental and secondary to the use of the property for dwelling purposes and shall not change the residential character thereof.<sup>28</sup>

(3) The total area used for such purposes shall not exceed twenty percent (20%) of the combined gross floor area of a single family dwelling and legally complying, accessory structure(s), or twenty percent (20%) of the gross floor area of the user's dwelling unit in a multiple family dwelling.<sup>28</sup>

(4) There shall be no exterior storage on the premises of materials or equipment used as part of the home occupation.

(5) There shall be no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference noticeable at or beyond the property line.

(6) A home occupation shall provide additional, off street parking of one (1) paved parking space for each two hundred (200) square feet of gross floor area occupied by the home occupation.

(7) A sign not to exceed two (2) square feet in size, identifying the home occupation may be permitted, provided the sign is "flush mounted" to the residence and does not alter the residential character of the home.

t. Day Care Homes.<sup>26,40,55,70</sup>

(1) This section shall apply to family child care<sup>70</sup> homes (FCCH), family child care center (FCCC) and similar pre-school facilities. This section shall also apply to churches who wish to operate a child care center (CCC).

(2) All such activities shall be secondary to the permitted use of the property, shall be licensed by the State of Wyoming and must have been issued an approved use permit prior to commencing operations.

(3) The following standards shall be met in order to receive and retain the above use permit:<sup>70</sup>

(a) All outside play areas shall be fenced in a manner adequate to contain the children.

(b) The facility shall not adversely impact neighboring residential property. The facility shall not alter the residential character of the home it occupies.

(c) Children shall not play outside before 8:00 A.M. or after 8:00 P.M., or dark, whichever occurs earliest.

(d) One (1) additional paved, off-street parking space shall be required for each staff member who is not a resident of the home. All child care<sup>70</sup> centers (CCC) shall provide adequate off-street provisions for loading and unloading children.

(e) No signage, other than that permitted to identify a home occupation, shall be permitted.

(4) Special permits shall be required for family child care<sup>70</sup> centers (FCCC) in R-R, R-S, R-1, R-2, R-3, M-H, E-MH, E-MH R-S, districts, and churches who wish to operate a child care center (CCC) in the R-R, R-S, R-1, R-2, R-3, M-H, E-MH, and E-MH R-S districts. Such permits shall only be granted subject to the following procedure:

(a) The petitioner shall make written application for a family child care<sup>70</sup> center (FCCC) or in the case of churches, written application for a child care center (CCC).

(b) Repealed.

(c) Such application shall include the following:

(1) Name and address of the applicant.

(2) A statement which attests that the applicant is the owner of the property or a statement from owner giving permission to apply for the permit.

(3) Legal description of the property.

(4) Number of parking spaces available on the property.

(5) Intended hours of operation.

(6) Number of employees which the applicant plans to hire.

(d) The Zoning Administrator shall review the application for completeness and shall notify, by mail, all residents living within 140 feet of the petitioner's property not counting intervening streets and alleys in order to solicit their comments regarding the proposal.

(e) Residents so notified shall have ten (10) working days to respond with comments. If 20% or more of those notified respond as opposed to the permit, the matter shall be referred for action by the Planning Commission on the next available date. If less than 20% of the residents respond negatively, then the Zoning Administrator shall approve the permit for issuance under the normal administrative procedure.

(f) In the event that the matter is required to go to public hearing with the Planning Commission, the Zoning Administrator shall again notify, by mail, all residents living within 140 feet of the petitioner's property not counting intervening streets and alleys in order to solicit their comments regarding the proposal. In addition notice of the public hearing shall be given in the manner prescribed for zoning amendments in Section 12 Amendment Procedures.

(g) After a public hearing and after due deliberation considering input from the public hearing as well as the likelihood of the petitioner's ability to meet all criteria under Section 6.t. Day Care Homes, the Planning Commission shall by majority vote direct the staff to issue a permit or deny the application. The Planning Commission may attach specific conditions to the granting of a permit if desired.

(h) In the event of a formal protest to granting the proposed permit duly signed and acknowledged by 20% of the residents of the properties within 140 feet of the applicant's property the Planning Commission shall not grant the approval of the permit except by affirmative vote of three fourths (3/4) of all members of the Planning Commission.

(i) All formal protests to a proposed permit shall be submitted at least 24 hours prior to the time of the public hearing and on a form provided by the Zoning Administrator.

(j) Any affected party may appeal the decision of the Planning Commission to the City Council. The Council shall review the record of the case within thirty (30) days and affirm, reverse or modify the decision of the Planning Commission without benefit of a further hearing on the matter. Such appeals shall be filed, in writing, to the Zoning Administrator within 10 days of the Planning Commission decision.

(k) All Special Permits issued under this section, whether administratively or by action of the Planning Commission shall be valid for a period of three years from the date of issuance and shall be renewed under the same procedure as a new permit. Any permit so issued shall be temporarily valid until renewal is finally approved or denied and all appeals are final.

## SECTION 7. USES BY TEMPORARY PERMIT

### a. Scope of Regulations.

(1) Under the normal provisions of this ordinance, a zoning permit for CONSTRUCTION OR ALTERATION and a CERTIFICATE OF OCCUPANCY are required before any structure can be constructed or occupied by a permitted use on a designated zone lot in a zone district. Pursuant to the regulations hereinafter set forth, the following uses may be operated as uses by temporary permit in any zone district and without the requirement that the use occupy a designated zone lot.

### b. Permit Requirements.

(1) Upon application to and issuance by the Zoning Administrator of a permit therefore, the uses listed in this section may be operated as uses by temporary permit. The application for a use by temporary permit shall contain:

(a) The name and address of the applicant, person, firm or organization responsible for the operation of the use by temporary permit;

(b) a description of the location of the use or event, including the land area or structure or part of a structure to be occupied or otherwise utilized by use or event;

(c) a description of the activity for which the permit is being sought; and

(d) a statement of the hours of operation and the duration of the event or activity.

c. Uses by Temporary Permit.<sup>5,75,77</sup> Subject to the requirements listed above, the following uses may be operated as uses by temporary permit:

(1) non-commercial asphalt or concrete mixing plant, necessary for construction in the immediately surrounding area; each permit shall specify the relationship of the plant location to the construction activity; each permit shall be valid for a period of six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location;

(2) Christmas tree sales; no permit shall be issued prior to the fifteenth (15th) day of November of each year, and each permit shall be valid for a period of forty five (45) days;

(3) parking lot for a special event; provided that each permit shall be valid only for the duration of the designated special event and shall be operated and occupied only during the times the special event is operating;

(4) produce stand; shall be permitted only in the A, Agricultural, and R-S, Suburban Residential, Districts; each permit shall be valid for a period of ninety (90) days and may be renewed for an additional thirty (30) day period;

(5) public gathering for a single purpose event; provided that each permit shall be valid for a period of not more than five (5) days, and that a period of at least ninety (90) days shall intervene between the termination of one (1) permit and the issuance of another at the same location;

(6) temporary building or yard for construction materials and/or equipment, incidental and necessary for current construction in the immediately surrounding area; each permit shall specify the location of the building or yard and its relationship to the construction activity; each permit shall be valid for a period of six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location;

(7) temporary office, incidental and necessary for the sale or rental of property in the immediately surrounding area; each permit shall specify the location of the office and its relationship to the properties being rented or sold; each permit shall be valid for a period of six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location; and

(8) temporary housing for construction workers; 1) in a commercial district, the permit may authorize the use of up to ten (10) temporary housing units to be located on a construction site in a commercial district where the occupants of the housing are employed at the construction site; all such temporary housing units shall be currently licensed by the State of Wyoming as a motor home or house trailer, as defined in State Statute 31-1-101, all units must be connected to City water and sewer. They must be connected to City electricity in a manner approved and permitted by the City. The utility service account shall be in the name of the landowner who is responsible for the monthly payment. No temporary housing unit may be farther than 300' from a fire hydrant and must be located in a safe manner on the property; each permit shall be valid for a period of six (6) calendar months and can be renewed for a maximum of two (2) successive periods on the same construction site. Each six (6) month extension shall be viewed on its own merit and for compliance with all requirements of this section. The landowner is responsible for ensuring that all temporary housing units are maintained and operated in a safe and health manner and that no grey or waste water is spilled or discharged onto the land. The landowner is responsible for the actions of the persons allowed to occupy the units as it relates to noise and nuisance complaints and other violations of the City Codes. Complaints, violations of City Code or non-compliance with the requirements of this section constitute grounds for revocation of temporary housing permits and/or denial of requests to renew.

2) in an industrial district, the permit may authorize the use of up to ten (10) temporary housing units to be located on the property where the occupants of the housing are employed by the business operated on the property; all such temporary housing units shall be currently licensed by the State of Wyoming as a motor home or house trailer, as defined in State Statute 31-1-101, all units must be connected to City water and sewer. They must be connected to City electricity in a manner approved and permitted by the City. The utility service account shall be in the name of the landowner who is responsible for the monthly payment. No temporary housing unit may be located farther than 300' from a fire hydrant and must be located in a safe manner on the property. The landowner is responsible for ensuring that all temporary housing units are maintained and operated in a safe and health manner and that no grey or waste water is spilled or discharged onto the land. The landowner is responsible for the actions of the persons allowed to occupy the units as it relates to noise and nuisance complaints and other violations of the City Codes. Complaints, violations of City Code or non-compliance with the requirements of this section

constitute grounds for revocation of temporary housing permits and/or denial of requests to renew; each permit shall be valid between March 15 and November 15 and may be renewed annually.

(9) RECREATIONAL VEHICLES IN A MOBILE HOME PARK<sup>84</sup>

- (a) To qualify for use in this section, an “RV” is defined as a unit that is currently licensed as either a “motor home” as defined by Wyoming State Statutes, § 31-1-101 (a)(xv)(D) or a “house trailer” as defined by Wyoming State Statutes, § 31-1-101 (a)(xxiii)(A)(I), and must have been originally constructed by the manufacturer with a water-flush toilet, tub or shower provisions and kitchen sink in addition to sleeping facilities. All RV units allowed must be connected to a public water and sewer system and to the City electric system in accordance with City regulations.
- (b) RV use is limited to no more than 20% of the permanent spaces in the mobile home park.
- (c) Only mobile home parks in mobile home zoned district are eligible.
- (d) An eligible space shall meet the minimum size requirements for a mobile home space of 40’ in width and 4000 square feet in area, be useable as a permanent mobile home space and meet setback requirements. Water, sanitary sewer and electric service installation to the space shall be sized and installed to support a mobile home. Mobile Home Park owners shall pay any costs to accommodate an RV.
- (e) RVs may not be stacked two deep on single space. Two RVs may be placed on a mobile home space, if the mobile home space has a minimum width of 40 foot parallel to the street for each RV and contains a minimum of 2000 square feet per unit and meets the setback requirements for the M-H, Mobile Home District.
- (f) Two off-street paved parking spaces shall be provided for each RV on a mobile home space. If a mobile home space qualifies for a second RV then an additional two off-street parking spaces shall be provided. These additional spaces may be limestone gravel, crushed concrete or recycled asphalt. Scoria may not be used.
- (g) An RV may not share a space with a mobile home.
- (h) An application for a Use By Temporary Permit shall be completed by the owner of the Mobile Home Park and a site drawing showing details of the proposed use be submitted and approved by the City Planning Division, before an RV may be placed in a Mobile Home Park.

- (i) RVs may be placed on spaces that satisfy all the above eight (8) requirements but will not qualify as permanent mobile home spaces due to the location of City infrastructure if specifically approved by the City Utility Department. Departmental approval shall be acknowledged in a notarized statement signed by the Department and by the applicant which states that any investment made in development of these spaces is at the applicant's sole risk and expense and that when this Ordinance is repealed all spaces that can not qualify as useable, complying, permanent mobile home spaces will be abandoned and not be a legal non-conforming use or "grandfathered" use. This statement shall be fully disclosed to any purchaser of the Mobile Home Park in the event that the property is sold while covered by this consideration. Since these spaces will be abandoned at the end of the time period, they are not subject to the 20% limitation.

d. Temporary Uses Not Subject to a Permit.<sup>5</sup> The following uses are permitted, as provided below, with said uses not requiring a temporary permit:

(1) snow fences which are designed and used to control snow from drifting over certain areas of a parcel of ground may be erected, subject to the requirements listed below:

(a) Snow fences may be erected on or after October 15th and must be removed on or before the following April 15th;

(b) Snow fences shall not exceed four and one-half feet (4 ½') in height; and

(c) Snow fences shall be so located as not to cause drifting of snow onto neighboring property.

(2) temporary bazaar, carnival or fair are not required to obtain a zoning permit but must obtain any other necessary permits, as required by applicable City Ordinance and issued by the City Council.



## SECTION 8. NONCONFORMING USES AND STRUCTURES.

### a. Nonconforming Use.

(1) Definition. A nonconforming use shall be any legal use which, on the effective date of this ordinance or as a result of subsequent amendments thereto, does not conform to the permitted uses established for the district in which the nonconforming use is located.

(2) Exemptions.<sup>60</sup> When a mobile/manufactured home becomes a legal, nonconforming use upon adoption of this ordinance, the legal, nonconforming use status shall be held valid, provided:

(a) when a mobile/manufactured home is removed from a parcel and is replaced within twelve (12) consecutive months with a similar or less nonconforming unit; a nonconforming, replacement mobile/manufactured home may be larger than the mobile/manufactured home it replaces, if setbacks, open space and other requirements of the zoning district can be met;<sup>26,60</sup> and

(b) when a mobile/manufactured home is damaged or destroyed in any manner whatsoever and the estimated costs of repairing the damage exceeds sixty percent (60%) of the replacement costs of the unit, it is replaced within twelve (12) consecutive months with a similar or less nonconforming unit.<sup>60</sup>

### (3) Regulations.

(a) A nonconforming use may be continued on the same land area and within the same floor area as that which existed on the date when the use first became nonconforming.

(b) A permitted use shall not be considered nonconforming for failure to comply with off street parking requirements, off street location requirements or sign regulations.

(c) A nonconforming use may be changed within its existing structure or on its existing land area to a conforming use or to any use which is a permitted use in a more restrictive district than the district in which the nonconforming use is located.

(d) The area occupied by a nonconforming use within an existing structure or on a tract of land may not be enlarged or extended.

(e) All off street parking and loading space operated by or associated with a nonconforming use on the date it becomes nonconforming shall be maintained in accordance with all of the specifications of Sections 9.a. and 9.b. of this ordinance for maintenance of off street parking and loading. If, on the date the use becomes nonconforming, it has off street parking area in excess of that required by this ordinance for that permitted use, then the off street parking area may be reduced to no less than the required amount of off street parking required by this ordinance for that permitted use, no action shall be taken which will further reduce the area devoted to off street parking.

(f) If active and continuous operation of a nonconforming use is discontinued for a period of twelve (12) consecutive months, the structure or tract of land shall thereafter be used only for a conforming use. A stated intent to resume operations shall not affect this provision.

(g) A nonconforming use shall terminate if the structure in which it is operated is damaged or destroyed in any manner whatsoever, and the estimated cost of repairing the damage exceeds sixty percent (60%) of the replacement cost of the structure on the date of the damage.

(h) The amount of the damage shall be fixed by the City, based on the records of the County Assessor. In the event the value or cost assigned by the City is not agreed to by the owner of the structure, the value shall be set by three (3) independent appraisers; one (1) selected by the City Council, another by the owner of the structure, and the third (3rd) by the two (2) appraisers already selected. The decision of a majority of the appraisers shall be binding upon all parties. The cost of the appraisal process shall be borne by the property owner.

b. Nonconforming Structure.

(1) Definition. A nonconforming structure shall be any structure which, on the effective date of this ordinance or as the result of subsequent amendments thereto, does not comply with the provisions of this ordinance for the district in which the nonconforming structure is located.

(2) Regulations.

(a) A nonconforming structure may be altered, repaired or enlarged, provided its degree of nonconformity is not increased.

(b) A nonconforming structure, found to be unsafe, may be restored to a safe condition.

(c) The right to operate and maintain a nonconforming structure shall terminate if the structure is damaged or destroyed in any manner, and the cost of repairing the damage exceeds sixty percent (60%) of the replacement cost of the structure on the date of the damage. The replacement cost shall be determined as described in Section 8.a.(3)(h).

## SECTION 9. OFF STREET PARKING AND LOADING REQUIREMENTS.<sup>4, 14</sup>

### a. General.

(1) Except in the C-2 District, off street parking and loading shall be provided and maintained as required by this section for all permitted uses which are established after the effective date of this ordinance. The C-2 District shall be exempt from the provisions of Sections 9.c. and 9.d., Off Street Parking and Loading Requirements. All of the other provisions of Section 9. of this ordinance shall still apply.<sup>10</sup>

(2) These requirements shall not be retroactive to permitted uses existing on the date this ordinance becomes effective but shall apply to any expansion of these uses which occur after that date.

(3) Off-street parking and loading facilities shall be provided on the same zone lot and under the same ownership as the permitted use for which the parking is required, except as hereinafter provided.

(4) Parking spaces required by each of two (2) or more permitted uses located on the same zone lot need not be separated and may be used jointly.

(5) No structure shall be erected or enlarged, nor shall any use be enlarged, if such action will eliminate existing, required off street parking areas.

(6) Handicapped Parking.<sup>12</sup> When handicapped facilities are required within a building by the building inspector, a minimum of two percent (2%) of the required off street parking spaces, but at least one (1) space, shall be clearly designated by vertical signage for use by the handicapped. Each such space shall be at least twelve feet (12') in width and located on a surface with not more than a five percent (5%) slope.

### b. Design, Use and Maintenance.

Off-street parking and loading will be designed, used and maintained in accordance with the following specifications:

(1) Individual, off street parking spaces shall be at least nine feet (9') wide and eighteen feet (18') long.

(2) Individual, off street loading spaces in commercial zones shall be located only in side or rear yards of the zone lot and shall be at least twelve feet (12') wide, fifty feet (50') long and have a minimum height clearance of fourteen feet (14'). In industrial zones the location of the loading spaces may be located in any yard to accommodate the business provided that the location does not block or interfere with the use of the required parking spaces, entrances or exits or driveways. Loading spaces in an industrial zone must be twelve feet (12') wide, fifty feet (50') long and have a minimum height clearance of fourteen feet (14')<sup>53</sup>.

(3) Parking and loading areas shall be graded for proper drainage and shall meet the following requirements:<sup>4, 25</sup>

(a) Scoria shall not be allowed in any zoning district, except as provided in Section 9.b.(3)(e) below;<sup>25</sup>

(b) An all weather surface of asphalt or concrete shall be used for parking and loading areas and for all entrances, exits and driveways serving those parking and loading areas<sup>16, 27, 41</sup>;

(c) For residential use only, the required number of off street parking spaces and driveways must have an all weather surface of asphalt or concrete. Additional, off street parking areas may be surfaced with a Grade J gravel;

(d) All off street parking and loading areas shall be designated according to the layout approved on the zoning permit or development plan. Parking and loading spaces should be designated by striping. Striping is required for all development, except for an individual, single family dwelling or duplex on a single lot; and

(e) For commercial/industrial uses, the required number of off street parking and off street loading spaces, the entrances/exits serving those spaces must have an all weather surface of asphalt or concrete. Additional vehicle or equipment parking storage areas may be surfaced with Grade J gravel. In the I-2, Heavy Industrial District, additional parking or storage area may be surfaced with scoria.<sup>25</sup>

(4) Each parking or loading space must be usable and readily accessible and arranged so that no part of any parked vehicle extends beyond the property lines. No parking or loading space shall encroach into a required "sight triangle".

(5) Required parking and loading areas shall be provided with designated entrances and exits located so as to minimize traffic congestion and avoid undue interference with public use of streets, alleys and walkways.

(6) Parking and loading areas, provided in accordance with the requirements of this resolution, shall not be used for the sale, repair, assembly or disassembly, storage or servicing of vehicles or equipment. Unlicensed or inoperable vehicles shall not be stored in any required parking or loading space.

(7) In the R-2 District, whenever parking of vehicles is the principal use of a zone lot, the following landscape features must be provided as part of the parking lot design:<sup>9, 26</sup>

(a) Where the parking area abuts a lot or lots owned by others not utilizing the parking area, there shall be a solid wall or fence a minimum of four feet (4') high, adjacent to the common property line to screen the parking area;

(b) All areas within the parking area which are not used for the circulation or parking of vehicles or pedestrian walkways shall be landscaped; and

(c) All landscaped areas within the parking area shall be provided with adequate means of irrigation and must be maintained.

(8) There may be a mutual use of parking areas for mixed occupancies or uses, provided the required off street parking spaces are utilized by mixed uses or occupancies with differing peak hours of business. Where appropriate, the Zoning Administrator may reduce the total number of required parking spaces by a maximum of fifteen percent (15%).<sup>26</sup>

(9) A temporary certificate of occupancy, as permitted by Section 5.d.(1) of this ordinance, shall not be issued until a temporary parking and access surface has been installed or determined to be unnecessary by the Zoning Administrator. The usual, minimum requirement shall be a gravel surface meeting City specifications. Other surfaces shall be considered, in light of the intent of this section, to provide a surface which is passable by pedestrians, will not rut excessively, nor be collected by vehicle tires and subsequently dropped onto adjacent public streets.<sup>27</sup>

c. Off Street Parking Requirements.

(1) Exemptions. The following permitted uses shall be exempt from all "Off Street Parking and Loading" requirements; provided however, that when parking is provided, it shall comply with all of the provisions of Section 9.b., Design, Use and Maintenance:

- (a) general agriculture
- (b) animal feed lots
- (c) cemetery
- (d) contractor's yard
- (e) drive-in theater
- (f) golf course
- (g) grazing
- (h) recreation camp
- (i) junk yard
- (j) newsstand

- or storage
- (k) oil, gas or mineral exploration, drilling, production, processing, separation
  - (l) parking or storage of vehicles
  - (m) public parks, playgrounds or open recreational facilities
  - (n) quarry
  - (o) railway right-of-way
  - (p) sanitary landfill
  - (q) transmission lines or towers
  - (r) essential public utility or public service installation, which does not include business offices, repair, sales or storage facilities

(2) Home Occupations. Home occupations conducted in an authorized dwelling unit shall provide one (1) parking space for every two hundred (200) square feet, or fraction thereof, devoted to the home occupation. This required parking shall be in addition to the parking required for the dwelling unit.

(3) There shall be provided two (2), off street parking spaces for each dwelling unit in the following structures:<sup>8</sup>

(a) single family dwelling, detached; provided however, that in an R-1, R-2 or R-3 District, one (1) additional, off street parking space shall be provided for each authorized roomer or boarder;

(b) multiple family dwelling;

(c) mobile/manufactured home;<sup>60</sup> and

(d) condominium and townhouse.

(e) Mixed-use development; provided however that the total required parking shall be calculated for each permitted use in the C-P, C-O and C-1 District. This total may be reduced by up to 15% with approval of the Planning Commission, as allowed in section b. (8) for mutual use of parking areas for mixed occupancies. Mixed-Use Developments in the C-2 District are required to provide parking only in support of the residential portion of a mixed-use development and shall comply with the provision of section e. Special Plan For Off-Street Parking. All mixed-use developments shall include a parking plan as part of the required Development Plan submittal and approval process. The commercial aspects of all mixed-use development projects in the C-P, C-O and C-1 Districts must comply with all loading requirements.<sup>73</sup>

(4) Off street parking shall be provided in the following amounts for each of the listed permitted uses:

- |     |                     |  |
|-----|---------------------|--|
| (a) | church and mortuary | one (1) space for each four (4) seats at maximum capacity* |
|-----|---------------------|--|

\*Maximum capacity of the facility to be determined by the Zoning Administrator.

- |     |   |   |
|-----|---|---|
| (b) | boarding and/or rooming house, motel or hotel   | one (1) space for each sleeping or living unit.   |
| (c) | nursing home, home for the elderly, day care, foster care (other than a dwelling unit), hospital, institution and orphanage | one (1) space for each six hundred (600) square feet of gross floor area in the structure containing the permitted use. |
| (d) | community center, or community recreational facility  | one (1) space for each three (3) persons the facility is designed to accommodate at maximum capacity*.                  |

\*Maximum capacity of the facility to be determined by the Zoning Administrator

- |     |  |   |
|-----|--|---|
| (e) | elementary school, and junior high school  | five (5) spaces, plus one (1) space for each classroom.   |
| (f) | senior high school   | one (1) space for each employee, plus one (1) space for each four (4) students, based on the design capacity of the school. |
| (g) | armory, carpenter or cabinet shop, fire station, laboratory, police station, plumbing shop, printing and publishing, sheet metal shop, tire repair shop, tinsmith, wholesaling and warehousing, and welding shop | one (1) space for each six hundred fifty (650) square feet of gross floor area devoted to the permitted use.                |

- |     |  |   |
|-----|--|---|
| (h) | sales area of a greenhouse or plant nursery, animal hospital, kennel (administrative area), and veterinary clinic  | one (1) space for each four hundred (400) square feet of gross floor area devoted to the permitted use.   |
| (i) | library and museum   | one (1) space for each 600 square feet of gross floor area.   |
| (j) | medical and dental clinics, banks and savings and loan institutions  | one (1) space for each two hundred seventy five (275) square feet of gross floor area devoted to the permitted use.                                       |
| (k) | offices, club or lodge, gasoline filling station, post office, automobile sales and service, radio television station, and commercial recreational (excluding amusement arcades)   | one (1) space for each three hundred fifty (350) square feet of gross floor area devoted to the permitted use.  |
| (l) | amusement arcade, apparel and accessory store, appliance store, auto supply store, bakery and pastry store, barber or beauty shop, book and stationery store, bowling alley, car wash, clothing store, clothing and costume rental, convenience store, delicatessen, department store, drug store, dry goods and notions, dry cleaning or laundry, gift or novelty shop, grocery store, hardware store, ice cream shop, laundromat, liquor store, mail-order catalog sales, self-service laundry, shoe store, sporting goods store, tavern or lounge, and variety store <sup>24,26</sup> | high-volume, general commercial uses - one (1) space for each two hundred (200) square feet of gross floor area devoted to the permitted use.             |
| (m) | artist studio, art supply store, antique store, bicycle shop, cigar and tobacco store, candy store, furrier, millinery or tailor, feed and seed, florist, frozen food  | low-volume, general commercial uses - one (1) space for each two hundred seventy five (275) square feet of gross floor area devoted to the permitted use. |



locker, garden shop, hobby shop, interior decorator, jewelry store, health goods store, lock and key shop, medical and orthopedic appliances, meat market, messenger or telegraph service, musical instrument store, music studio, milk products store, office supply and equipment, optician, paint and wallpaper store, pet shop, pawn shop, photographic supply store, photographic studio, picture frame shop, sewing machine store, shoe repair and shine shop, travel agency, upholstery shop, watch repair shop, small appliance and machinery repair; taxidermy.<sup>49</sup>

- |     |                                       |  |
|-----|---------------------------------------|--|
| (n) | furniture store                       | one (1) space for each five hundred (500) square feet of gross floor area devoted to the permitted use.  |
| (o) | auditorium, meeting hall, and theater | one (1) space for each three (3) seats at maximum capacity.* When individual seats are not permanently fixed, a gross floor area of twenty one (21) square feet shall be considered as equivalent to one (1) seat. |

\*Maximum capacity of the facility to be determined by the Zoning Administrator.

- |     |   |  |
|-----|---|--|
| (p) | business, technical or vocational school, and community college | one and one-half (1½) spaces for each classroom laboratory, or lecture hall, plus one (1) additional space for each five (5) students that the school is designed to accommodate, plus one (1) additional parking space for employees or staff members, other than teaching staff. |
|-----|---|--|

- |   |  |
|---|--|
| <p>(q) airport-related industry, asphalt plant, assembly or fabrication, automobile repair, bottling plant, building material storage and sales, bulk plant, gasoline or LP gas, dry cleaning or laundry plant, grain elevator and feed mill, grinding mill, heavy equipment sales, service and repair, incinerator, lumber yard, manufacturing, processing or fabrication, monument-making and sales, oilfield supply, storage and sales, railroad facilities, ready-mix concrete plant, refinery, slaughterhouse, truck or freight terminal, and public utility installations</p> | <p>one (1) space for each two (2) employees for which the permitted use is designed to employ.</p>   |
| <p>(r) mixed-use shopping center</p>  | <p>it shall be assumed that eighty percent (80%) of the gross floor area of a mixed use shopping center be devoted to high volume, general commercial uses at one (1) space for each two hundred (200) square feet, with the remaining twenty percent (20%) of the gross floor area being considered to be low volume, general commercial uses at one (1) space for each two hundred seventy five (275) square feet.</p> |
| <p>(s) restaurants, lounges and taverns<sup>24</sup></p>  | <p>one (1) space for each three (3) seats at maximum capacity. For non-fixed seating, one (1) seat per fifteen (15) square feet shall be assumed.</p>  |

(t) Parking requirements for permitted uses not listed in this section (Section 9.c.) shall be determined by the Zoning Administrator.

(5) Drive-up Windows.<sup>24</sup> Each drive-up window for fast food restaurant customers to pick up orders shall provide an area for waiting vehicles as follows:

- (a) a minimum of four (4) spaces shall be provided for vehicles waiting at the drive-up window;

(b) a minimum of four (4) spaces shall be provided for vehicles waiting at the menu board; and

(c) all spaces for waiting vehicles must be arranged so that waiting vehicles will not obstruct any other parked vehicles, traffic aisles, building exits or entrances or pedestrian ways.

d. Off-Street Loading Requirements

(1) An off-street loading space shall be located on the same zone lot as the structure for which it is located.

(2) In the C-O, C-P, C-1, C-3, I-1 and I-2 Districts, the following number of off-street loading spaces shall be provided, plus an area adequate for maneuvering, ingress and egress:<sup>21</sup>

Type of Use	Gross Floor Area (Square Feet)	Number of Loading Spaces Required
1. Retail, Wholesale, Storage & Other Business Uses	3,000 to 15,000	1
	15,001 to 40,000	2
	Each Additional 25,000	1 additional
2. Office Buildings	15,000 to 100,000	1
	100,001 to 336,000	2
	Each Additional 200,000	1 additional
3. Industrial Uses	15,000 or Less	1
	15,001 to 40,000	2
	40,001 to 100,000	3
	Each Additional 60,000	1 additional

e. Special Plan for Off-Street Parking.

(1) Under the provisions of Section 9.a.(3) of this ordinance, off-street parking is required to be located on the same zone lot and operated under the same ownership as the permitted use. Under the following conditions, required off-street parking may be provided on a zone lot separate than that containing the permitted use:

(a) the separate zone lot must be within three hundred feet (300') of the zone lot containing the permitted use;

(b) the separate zone lot must be located within a zoning district where the parking of vehicles is a permitted use; and

(c) a special plan for separated, off street parking must be submitted to, approved and recorded by the Zoning Administrator.

(2) All applications for approval of a special plan shall be filed with the Zoning Administrator and shall include the following details:

(a) a statement by the owner or owners of the entire land area to be included within the special plan, and the owner or owners of all structures on the designated land area agreeing to all of the provisions of the plan;

(b) sufficient evidence to establish to the satisfaction of the Zoning Administrator that the applicants are the owners of the designated land and structures;

(c) the location and size of the permitted uses or structures for which off-street parking is required; and

(d) the location and layout of the required off-street parking spaces and their distance from and location in relation to the permitted use.

(3) The Zoning Administrator shall review such applications and either approve or disapprove them. Any approval may establish necessary conditions and limitations.

(4) An approved special plan shall be filed among the records of the Zoning Administrator and with the County Clerk.

(5) All special plans which have been approved and recorded shall be binding upon the owners of the land area and structures included in the special plan and their successors and assigns and shall control all zoning permits and certificates and the use and operation of the designated structures and land area.

(6) Special plans may be amended or withdrawn through the same process by which they first gained approval.

f. Permitted Parking Arrangements.<sup>12</sup> (See Exhibit 9-1)

g. Landscaping Requirements for Off-Street Parking Lots and Adjacent Rights-of-Way.

(1) Purpose and Scope of Regulations.

The purpose of this ordinance is to enhance the visual environment by improving the appearance of parking lots, to improve the safety of parking lots by guiding the circulation of vehicles and pedestrians, to screen parking lots from adjacent properties and public street rights-of-way, to enhance property values, to reduce micro-climatic effects produced by parking lots, and to facilitate the creation of a convenient, attractive and harmonious community.

(2) General Requirements.

(a) This ordinance shall apply to all building and/or zoning permit applications, where thirty five (35) or more off street parking stalls are required on a zone lot in the C-1, C-2, C-3, C-O, C-P, I-1, R-4 and R-3 Districts, as prescribed by this section of this ordinance. A zoning permit shall be required when twenty (20) or more parking stalls are proposed on any zone lot in the C-1, C-2, C-3, C-O, C-P, I-1, R-4 and R-3 Districts. In the C-2 District, where off street parking is provided, the landscaping provisions (Section 9.g.) shall apply.<sup>21</sup>

(b) When thirty five (35) or more off street parking spaces are required on a zone lot, two<sup>27</sup> (2) copies of a landscape plan shall be submitted to the Department of Community Development for review and approval prior to the issuance of a building and/or zoning permit for the property. The landscape plan shall include at least the following information:

(1) a scale, north arrow, street address of subject property, date of preparation, the name and address of the person or firm preparing the plan, and the total square footage of the parking lot area to be landscaped;

(2) the location of vehicular access ways, walkways, rights-of-way, utility lines and easements within or affecting the design of the landscape area; and

(3) the locations, sizes and types of all landscaping materials to be used, as well as the location of irrigation devices, if proposed.

(c) Where appropriate, the landscape plan shall be reviewed and approved by the Planning Commission as part of a development plan. In all other cases, the Zoning Administrator shall review and approve landscape plans prior to the issuance of a zoning and/or building permit.

(d) To assist the applicant in selection of landscaping materials, the Department of Community Development<sup>27</sup> will provide a list of landscaping materials which may be appropriate to Gillette's soils and climate. However, the applicant shall not be limited to the materials so listed.

(e) All landscaping, as shown on the approved landscape plan, shall be installed prior to the issuance of a certificate of occupancy. The Zoning Administrator may allow up to one (1) full growing season (a "growing season" shall be defined as the time period from the 22nd day of May to the 21st day of September) for compliance of the landscape plan. If a certificate of occupancy is requested prior to installation of the required landscaping, then the owner, or his designated agent, must provide a suitable monetary security guarantee to the City in the amount of one hundred fifty percent (150%) of the estimated cost of materials and installation. In the event of default by the owner, the City shall install the required landscape improvements, without cost to the City. Upon completion of the landscaping requirements, as provided on the approved landscape plan, the financial guarantee shall be released.<sup>26</sup>

(f) An approved landscape plan may be revised from time to time, provided all revisions are approved and recorded by the Zoning Administrator, or Planning Commission, when landscaping plans are submitted in conjunction with development plans.

(3) General Design Standards.

(a) The landscape plan may include lawn or grass areas, trees, shrubs, ground cover or other plantings (natural or manmade), decorative rock, detention ponds, berms or mounds, decorative fences and other screening devices, benches, tables, fountains, planters or other similar outdoor furniture.

(b) Landscaping shall not unreasonably interfere with the installation and maintenance of any public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard. No landscape material greater than three feet (3') in height shall be located within a required "sight triangle".

(c) The landscape plan shall include an adequate mixture of organic and inorganic materials. No artificial trees, shrubs, hedges or flowers may be used in landscaping any exterior area, unless otherwise approved by the Zoning Administrator, or Planning Commission, in the case of development plans.

(d) An adequate amount of landscaping shall be required along the perimeter lot line(s) of all off street parking lots which abut any public right-of-way. Where appropriate, the landscaping of the adjacent, unimproved public right-of-way is encouraged, in order to satisfy the perimeter landscaping requirement. When the adjacent, public right-of-way is used to satisfy this perimeter landscaping requirement, then the adjacent, public right-of-way area may be used for installing or developing drainage detention facilities that are required by the City Engineering Division, provided the City Engineer approves of the use of the public right-of-way for drainage detention. In addition, in all other cases where the landscaping of the adjacent, public right-of-way complies with Section 9.g. of this ordinance, then the owner may utilize the adjacent, public right-of-way to satisfy drainage detention requirements, with the approval of the City Engineer.

(e) In addition to the perimeter landscaping required in paragraph (d) above, whenever one hundred (100) or more parking stalls are required in conjunction with a building and/or zoning permit, the owner shall be required to provide interior landscaping of not less than three percent (3%) of the total area of the lot used for parking and vehicular circulation. Interior landscaping shall be reasonably dispersed throughout the parking lot, and landscaping islands with raised curbs should be used to define parking lot entrances, the ends of all parking aisles and the location and pattern of primary, internal access drives.

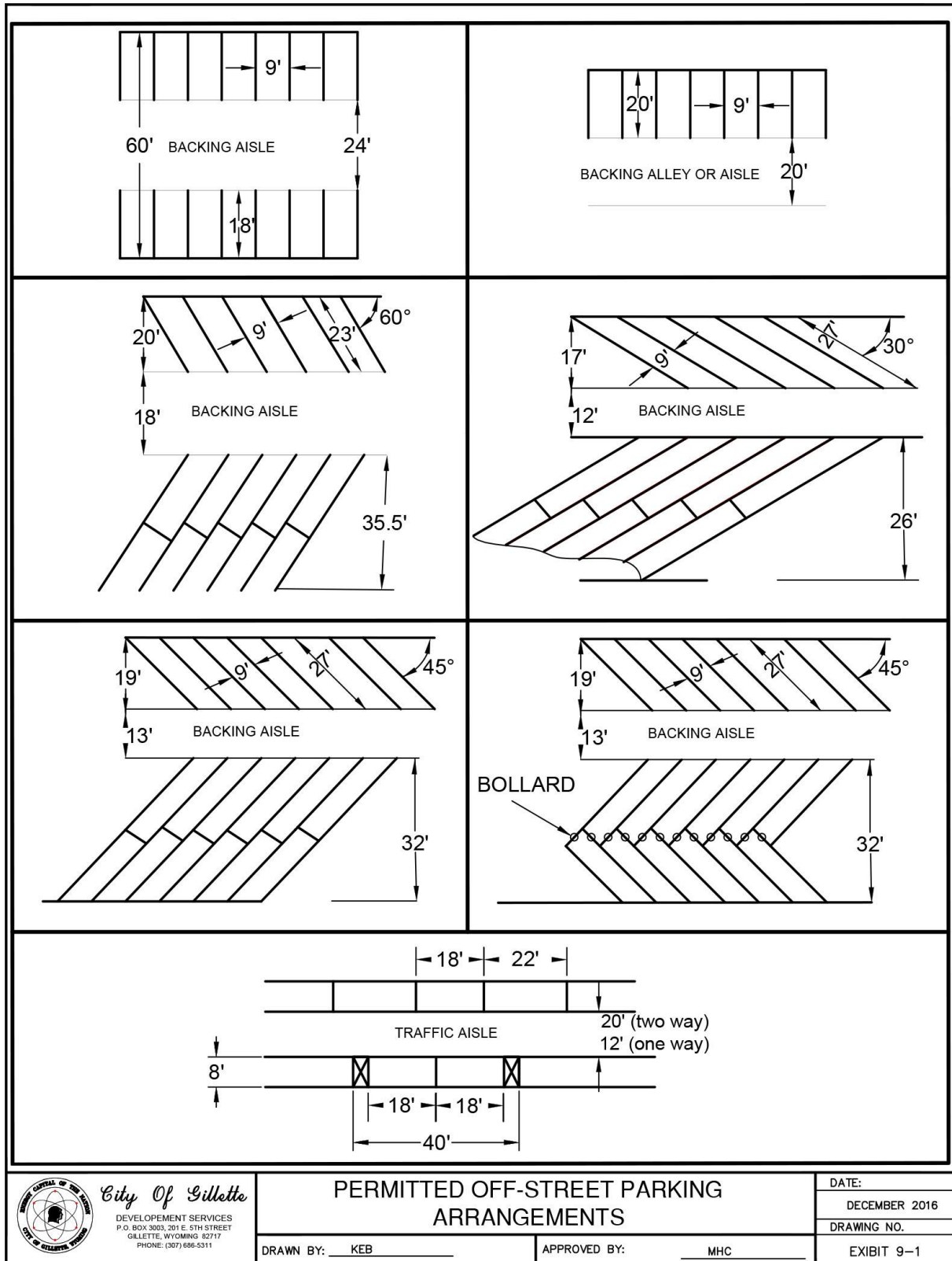
(4) Maintenance.

All landscaped areas shall be kept neat, clean and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.

Dying, dead, diseased or pest-infested materials may be considered as constituting a failure to maintain the required landscaping areas. Maintenance of landscaping in the rights-of-way shall be the responsibility of the adjacent landowner.

(5) Nonconforming Parking Lots.

Landscape requirements shall apply to new development or construction and major reconstruction. For purposes of reconstruction, if an addition or alteration to an existing structure increases the floor area of that structure by more than fifty percent (50%), then compliance with the landscaping provisions shall be a requirement of the zoning and/or building permit.



*City Of Gillette*  
 DEVELOPEMENT SERVICES  
 P.O. BOX 3003, 201 E. 5TH STREET  
 GILLETTE, WYOMING 82717  
 PHONE: (307) 686-5311

# PERMITTED OFF-STREET PARKING ARRANGEMENTS

DRAWN BY: KEB

APPROVED BY: MHC

DATE:  
 DECEMBER 2016  
 DRAWING NO.  
 EXHIBIT 9-1

Exhibit 9-1



## SECTION 10. SIGN REGULATIONS.<sup>11</sup>

### a. Purpose and Scope of Regulations.

The purpose of this ordinance is to permit signs that will not, by their reason, size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety, or otherwise endanger the public health and safety. Moreover, this ordinance is intended to permit signs that will support and complement the land use objectives contained in this ordinance and in the duly-adopted Comprehensive Plan and to permit only those signs which will preserve and maintain property values within the corporate limits of the City of Gillette.

This ordinance shall apply to signs erected, altered and maintained by and for permitted uses in all districts. Signs governed by several regulations shall comply with all such regulations. If State regulations for signs along highways are in conflict with this ordinance, the more restrictive rules shall apply.

### b. General Requirements.

(1)<sup>61</sup> Signs controlled by this section shall be erected only after the approval of the Zoning Administrator of a permit therefore. An application for such approval shall contain a sketch or drawing to scale of the proposed sign and a notation as to its height, size and location on the structure or zone lot. All Free-standing Pole Signs over 30' in height shall have the proposed location of the sign approved by City Engineering and City Utilities in addition to the Zoning Administrator in order to avoid endangering the public or community utility infrastructure. It shall also fully describe any existing signage on the premises. An application for a free-standing sign shall also contain engineering specifications which delineate the wind and snow loads that the sign can sustain.

(2)<sup>61</sup> Signs shall be maintained in a good state of repair. Free-standing Pole Signs over thirty (30') feet in height shall have the sign, all connection points and support structure inspected at least every five (5) years to confirm and re-certify the structural integrity of the Free-standing Pole Sign. Such inspections shall be completed by a Wyoming licensed structural engineer and copies of the inspection report filed with the City. Broken signs, signs unreadable because of deterioration, and signs on vacant buildings may be ordered repaired or removed by the Zoning Administrator.

(3) Illuminated, non-flashing signs shall be permitted only in those districts listed in Subsection (e); and where the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building, into any residential building or into any street.

(4) Flashing signs shall be permitted only in the districts listed in Subsection (3) of this ordinance and upon approval of the Zoning Administrator, providing it is determined that the location and colors will in no way create confusion with traffic lights and with lights on emergency vehicles; and the direct rays of the sign are not directed into any residential district, or upon any residential building.

(5) Proposed signs, not specifically listed in the "permitted use section" of this ordinance and not prohibited by this ordinance, may be approved by the Zoning Administrator, provided

the proposed sign is compatible with the purpose and scope of this ordinance and complies with all other applicable provisions of this ordinance.

c. Exemptions.

The following types of signs shall be deemed to be outside the scope of this ordinance and shall not require a permit:

- (1) signs required by law or authorized for a public purpose;
- (2) one (1) sign showing only name and/or address of the occupant, not exceeding two (2) square feet and mounted flat against the wall;
- (3) cornerstones and historical markers;
- (4) decorations of a temporary nature;
- (5) window displays of actual merchandise;
- (6) real estate "For Sale", rental or lease signs, not exceeding six (6) square feet in area;
- (7) signs whose primary function is to be informational or directional, providing their location is approved by the Zoning Administrator;
- (8) danger or warning signs of a cautionary nature;
- (9) traffic signs;
- (10) religious symbols;
- (11) identifying signs and lettering on business doors, exterior or interior;
- (12) window signs in commercial districts; and
- (13) "For Sale" and temporary construction signs without electric service are exempted from any permits; however, they must comply with all other provisions of this ordinance.

d. Prohibited Signs.

- (1) No "revolving beacon", "fountain" or "flashing" signs which are of such intensity or so located that it could detract a motorist's vision from normal, safe driving shall be permitted in any district.
- (2) No sign in any district shall conflict in any manner with the purpose or operation of public devices controlling public traffic.

(3) Except for those traffic control and directional devices erected and approved by a public agency having jurisdiction, overhanging or free-standing signs shall be permitted to extend over a public right-of-way only in the C-2 District.

(4) No person shall park any vehicle or trailer on a public right-of-way or public property, or on private property, so as to be visible from the public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.

(5) Sandwich signs shall be prohibited in all districts.

e. Permitted Signs.<sup>5, 16, 21</sup>

The following signs may be erected and maintained in the zoning districts enumerated:

(SEE NEXT PAGE)

PERMITTED SIGNS <sup>32, 65</sup>

	R-R,R-S R-1,R-2 R-3,R-4 M-H,E-MH A E-MH R-S			(P) Permitted (X) Prohibited			
			C-P	C-1 C-3	C-2	C-O	I-1 I-2
(1) BILLBOARD	(P)	(X)	(X)	(P) <sup>4</sup>	(X)	(P) <sup>4</sup>	(P)
(2) BUILDING SIGN	(P)	(X)	(P)	(P)	(P)	(P) <sup>1</sup>	(P)
(3) FREE-STANDING	(P)	(X)	(P)	(P) <sup>2</sup>	(P) <sup>2</sup>	(P) <sup>1</sup>	(P)
(4) CENTER IDENTIFICATION	(X)	(X)	(P)	(P)	(P)	(P) <sup>3</sup>	(P)
(5) PROJECTING	(X)	(X)	(X)	(P) <sup>5</sup>	(P) <sup>5</sup>	(X)	(X)
(6) RESIDENTIAL DEVELOPMENT	(X)	(P)	(X)	(X)	(X)	(X)	(X)
(7) BULLETIN	(P)	(P)	(P)	(P)	(P)	(P)	(X)
(8) FOR SALE	(P)	(P)	(P)	(P)	(P)	(P)	(P)
(9) TEMPORARY BUSINESS	(P)	(X)	(P)	(P)	(P)	(X)	(P)
(10) TEMPORARY CONSTRUCTION	(P)	(P)	(P)	(P)	(P)	(P)	(P)
(11) OFF-PREMISE	(P)	(X)	(X)	(P)	(P)	(P)	(P)
(12) INFLATABLE <sup>56</sup>	(X)	(X)	(X)	(P)	(X)	(X)	(X)
*ILLUMINATED, NON-FLASHING	(P)	(X)	(P)	(P)	(P)	(P)	(P)
*FLASHING	(X)	(X)	(X)	(P)	(P)	(X)	(P)

<sup>1</sup> Maximum 64 sq. ft. in the C-O District.

<sup>2</sup> A projecting sign may be substituted for a free-standing sign in the C-1, C-2 and C-3 Districts, as described in Section 10.f.(3), Free-standing Sign.

<sup>3</sup> Maximum 64 Sq. Ft. in the C-O District.

<sup>4</sup> Billboards are only permitted within 250 feet of the I-90 right-of-way.

<sup>5</sup> Only allowed in lieu of one (1) permitted free-standing sign, as described in Section 10.f.(3), Free-standing Sign.

\*\* General requirements for illuminated, non-flashing and flashing signs are contained in Subsection 10.b. of this ordinance. Provisions governing the other permitted signs in this table are found consecutively numbered in Subsection 10.f., which follows.

f. Regulations on Sign Usage.

(1) Billboard.

(a) The owner shall agree, at the time of issuance of the permit, to place and maintain on such billboard the name of the person owning or in control of the billboard. The nameplate shall also include a 24-hour emergency contact phone number for the individual or entity responsible for daily maintenance and operations of the billboard.<sup>86</sup>

(b) No billboard shall be erected, altered, constructed, reconstructed or moved until an application and plans have been filed with the Zoning Administrator and shall have been approved by the Zoning Administrator as to size, location and construction. Billboard structures shall be designed and certified by a licensed Wyoming Professional Engineer to ensure the foundation, structure, sign face(s) and other connections meet minimum design loads and all aspects of the City's adopted building codes. All relevant building permits, to be issued by the City of Gillette Building Division, are required for all billboard structures.<sup>86</sup>

(c) Billboards shall not exceed thirty feet (30') in height above the ground.

(d) The owner, lessee or manager of such billboard and the owner of the sign shall maintain and keep the ground area around the sign free and clean of weeds and debris.

(e) Plans for billboards within fire limits shall be referred to the Fire Chief for review and recommendation.

(f) No billboards shall project beyond the front, side or rear building line established for the zoning district in which the billboard is located.

(g) No billboard shall exceed six hundred eighty (680) square feet in area (on a single face) and shall not be erected closer than one hundred fifty feet (150') from another billboard on the same side of the street.

(h) It shall be unlawful to construct or maintain, or cause to be constructed or maintained, any billboard, in such a manner as to:

(1) obstruct the view of street crossings or railroad crossings;

(2) be unable to stand a pressure of at least thirty (30) pounds per square foot of advertising surface;

(3) be dangerous to the public by falling or blowing down;  
(4) increase the danger of loss by fire or to increase fire insurance rates;  
and

(5) be nearer than five feet (5') from any building, unless attached to the building.

(i) Billboards supported by the ground shall have all posts set in concrete.

(j) <sup>30a</sup> In addition to billboards permitted in the A, I-1, and I-2 Districts, there shall be a special zone established within two-hundred-fifty feet (250') of the I-90 right-of-way which allows billboards in the C-1, C-3 and C-O Districts.

(k) No billboard shall be erected within two-hundred-fifty feet (250') of the boundary of any residential zone.

(l) <sup>86</sup>Billboards with Electronic Graphic Display Signs shall comply with the following, additional requirements:

(1) Message Display. No electronic graphic display sign shall utilize colors or displays which create confusion with traffic lights and with lights on emergency vehicles. There shall be no multi-frame messages or effects of movement, blinking, animation, scrolling, flashing, or similar effects in individual images. Animated transitions between messages are prohibited. Grayscale or full color may be used.

(2) Dwell Time. All electronic graphic display signs shall be programmed so that the message or image on the sign changes no more frequently than once every six (6) seconds.

(3) Separation. A minimum distance of two thousand (2,000) feet, in all directions, shall be required between each billboard with electronic graphic display sign(s). This distance shall apply in all cases, regardless of any jurisdictional boundaries between billboards.

(4) Residential Buffer. All billboards with electronic graphic display signs must be setback a minimum of 500 feet (measured on all sides) from any residential zoning district.

(5) Intersection Buffer. Billboards with electronic graphic display signs shall not be located within the sight triangle, or fifty (50) feet of the driving surface of a signalized intersection, whichever is greater. The fifty-foot buffer shall be measured in a straight line from the nearest point of driving surface of the signalized intersection.

(6) Brightness. All electronic graphic display signs shall utilize technologies which automatically reduce light levels at night and under cloudy or other darkened conditions. Electronic graphic display signs may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of a driver, or result in a nuisance to the driver. Electronic graphic

display signs shall not increase the amount of ambient lighting during nighttime viewing by no more than 0.3 foot candles when measured by a foot candle meter at 100 feet.

(7) Audio. Audio speakers in any form are prohibited on billboards with electronic graphic display signs.

(8) Malfunction. All electronic graphic display signs shall contain a default design that will freeze the device and message in one position if a malfunction occurs. Any electronic graphic display sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be restored to its normal operation within twenty-four (24) hours or set to a blank or static display until repairs can be accomplished.

(9) Replacement. Traditional billboards utilizing painted faces or posters on existing faces can be replaced with an electronic graphic display sign, provided all requirements of this ordinance are met. Traditional billboard structures replaced with electronic graphic display signs will be evaluated and certified by a Wyoming Professional Engineer to ensure the foundation, structure, and other connections are capable of handling the increased loads and meet all aspects of the City's adopted building codes.

(10) Size. Electronic graphic display sign panels installed on billboards will not exceed three hundred forty (340) square feet in area as measured as the total face. Billboard structures are limited to no more than one electronic graphic display panel if installed individually, or two panels if installed back-to-back.

(11) Building Permit Required. All relevant building permits, to be issued by the City of Gillette Building Division, are required for all billboards with electronic graphic display signs.

(12) Electrical Service. Electrical services to all electronic graphic display signs shall be provided by an underground service lateral. In no case shall overhead wires be attached. The applicant agrees to accept electrical service from the City's electrical system for all electronic graphic display signs.

(13) Application Fee and Annual License Fee. All electronic graphic display signs will require an application fee of \$2,500 and an annual license fee of \$250, which will expire on December 31<sup>st</sup> of each year. Nonpayment will result in disconnection from the City's electrical supply.

(14) Emergency Notification. The applicant will enter into a separate agreement with the City to provide access for local emergency dispatch agencies to utilize electronic graphic display sign(s) to broadcast emergency notifications and other, critical public service warning messages. Per this agreement, the applicant will provide access to display emergency notifications, critical public service warning messages and other public notices within a reasonable time upon notice from the City and its local emergency dispatch agencies. The applicant agrees to provide access for this public service free of charge to the City and its local dispatch agencies and shall reserve a minimum of 8% of its annual sign lease time for this service.<sup>86</sup>

(2) Building Sign.

A business or profession shall be allowed to display aggregate building signage not to exceed 500 square feet per building up to two (2) stories in height and 2000 square feet for each building exceeding two (2) stories. Up to fifty percent (50%) of a building sign may be manual changeable copy. The following are permitted building signs:

(a) Flush or painted wall sign: for buildings less than two stories in height aggregate square footage of wall signage on any one wall or plane of the building may not exceed the lesser of three times the lineal footage of the wall to which it is attached or 250 square feet. For buildings over two stories aggregate square footage of wall signage on any one wall or plane of the building shall not exceed the lesser of 10% of the surface area of the wall to which it is attached or 1,000 square feet.

Wall signage shall not project more than four inches (4") from the wall to which it is attached unless it is located at least eight feet (8') above or not adjacent to any pedestrian or vehicular traffic way.<sup>39</sup>

(b) Roof sign: The City Engineer, or his designee, shall approve all roof signs and may require the construction and/or installation of the sign to be certified in writing by a private, independent engineering firm. The sign shall not project above the peak of the roof. In the case of a flat roof, the sign shall not project more than ten feet (10') above the roof; and the height of the sign, plus the height of the building on which the sign is attached, shall not exceed the maximum height allowed in the zoning district in which the property is located. The gross surface area (in square feet) shall not exceed three (3) times the lineal feet of the wall which the sign most nearly parallels. The sign shall not rotate.

(c) Canopy sign: a sign located on the face of the canopy shall comply with all requirements set forth for a Flush Wall Sign.

(d) Under-canopy sign: The sign shall not exceed the width of the canopy, in the case of a sign which is erected perpendicular to the building wall. In the case of a sign which parallels the building wall, the requirements for a flush wall sign shall apply. The bottom edge of the sign shall be at least eight feet (8') above any pedestrian way.

(3) Free-standing Sign.<sup>13 61</sup>

Where allowed, one (1) free-standing sign for individual businesses conducted on a zone lot shall be allowed, not to exceed one hundred feet (100') in height nor thirty feet (30') in width and not to exceed three hundred fifty (350) square feet in surface area. Up to fifty percent (50%) of its area may be of changeable copy.

A second free-standing sign, not to exceed one hundred fifty (150) square feet in surface area, and a maximum of thirty feet (30') in height shall be permitted where a zone lot abuts an arterial street, as designated on the duly adopted City of Gillette Comprehensive Plan Land Use Map, with the arterial having at least two hundred feet (200') of frontage on the zone lot. The second, free-standing sign shall not be used for off premise advertising.



(a) Pole, free-standing sign:<sup>26</sup> the bottom edge of the sign shall be at least ten feet (10') above ground level. Any base or pedestal may not exceed three feet (3') in height or otherwise block a driver's view. There shall be a zero (0) setback for this type of sign.

(b) Ground, free-standing sign: The sign shall be located at least ten feet (10') from a property line and ten feet (10') from a driveway or parking area access lane(s); or, on a corner lot, shall not be located within twenty feet (20') of the point of intersection of the two (2) intersecting property lines or on curved property lines, the projected point of intersection of the two (2) property lines extended. They shall not rotate.

(4) Center Identification Sign.

Two (2) signs may be used to identify a commercial, industrial or professional center or complex. The signs may be one (1) free-standing and one (1) building sign but shall not include two (2) free-standing signs. In the case of a multi-story building, an additional directory, not to exceed nine (9) square feet, may be erected near the entrance to the upper floor(s), identifying the business(es) or profession(s) located therein.

(a) Free-standing sign: in addition to the provisions in Section 10.f.(3), the following shall apply: the sign shall not exceed four hundred fifty (450) square feet in area. The sign may display a directory of the businesses and/or professions located within the unified shopping center or within the shopping center complex, along with the name and address of the center or complex, provided the information displayed is an integral part of the sign. That the letters identifying the business or profession are uniform in height, and that such a sign will not be erected within fifty feet (50') of a residential district.

(b) Wall sign: in addition to the provisions in Section 10.f.(2)(a), the following shall apply: the gross surface area of the sign shall not exceed twenty five percent (25%) of the wall to which it is attached, but not exceeding four hundred (400) square feet. The sign may display a directory of the businesses and/or professions located within the unified shopping center or within the shopping center complex, along with the name and address of the center or complex, provided the information displayed is an integral part of the sign; and that the letters identifying the business or profession are uniform in height.

(5) Projecting Sign.

A maximum of one (1) such sign may project from the wall to which it is attached a maximum of six feet (6'), except in no case closer than eighteen inches (18") from any curb line. The sign shall be located at least eight feet (8') above any pedestrian way, as measured from the lowest point of the sign. The gross surface area shall not exceed fifty (50) square feet.

(6) Residential Development Sign.<sup>60</sup>

In a subdivision, planned mobile/manufactured home development or residential building complex, up to two (2) signs may be erected to identify the development. The sign may be free-standing or attached to the building wall or fence. The signs shall display no more than the name and location of the building complex. Together, the signs shall not exceed one hundred (100) square feet in total area.

(7) Bulletin Sign.

Bulletin boards and signs may be erected for churches and other similar public or private institutions in the designated districts, subject to the following limitations:

(a) One (1) sign or bulletin board shall be permitted on each street frontage, if located on the same site as the principal building.

(b) If the sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses.

(c) No sign or bulletin board shall exceed twenty four (24) square feet in area.

(d) No sign shall be located closer than eight feet (8') from any side or rear property line.

(e) A sign or bulletin board located in the front yard shall be no closer to the street line than one half (½) the required front yard.

(f) A sign or bulletin board affixed to a building shall not project higher than one (1) story or ten feet (10') above the ground level, whichever is lower.

(g) Ground signs shall be permanently anchored to the ground and shall not exceed a height of six feet (6') above normal grade.

(h) Buildings constructed on the property line prior to the adoption of this regulation shall be allowed one (1) identification sign, only when said sign is a flat wall sign and permanently attached to the building.

(i) On corner lots, no sign shall be so constructed or so located that it will obstruct the view of traffic approaching the street intersection.

(8) For Sale Sign.

For sale or for rent signs not exempted from the provisions of this ordinance shall be subject to the following conditions:

(a) Only one (1) such sign shall be permitted for each front line of a zone lot.

(b) No sign shall exceed sixteen (16) square feet in area; except in commercial and industrial districts, no sign shall exceed sixty four (64) square feet in area.

(9) Temporary Business Sign.<sup>31</sup>

(a) Each business sign may have up to one (1) on-premise and two (2) off-premise signs or three (3) off-premise signs. Except that all inflatable signs must be on-premise and may not exceed a total of three (3).<sup>56</sup>

(b) No on-premise or off-premise sign shall be located in a public right-of-way or be located in a manner which constitutes a traffic or pedestrian hazard. The location of the sign(s) must be stated on the permit as approved by the Zoning Administrator.

(c) A business shall be permitted to display temporary signs for a maximum of ninety (90) days during a calendar year. All dates of display must be stated on the permit.

(d) In a unified shopping center on one (1) zone lot, no more than four (4) businesses shall be allowed to display on-premise signs at the same time on the zone lot.<sup>26</sup>

(e) The sign may be illuminated, but it shall not flash, according to the definition contained elsewhere in these regulations.

(f) No temporary sign shall exceed thirty-two (32) square feet in size. Inflatable signs may be larger than 32 square feet, provided their size, height and location have been reviewed and approved by the zoning administrator and all public health and safety concerns have been satisfied.<sup>56</sup>

(10) Temporary Construction Sign.

(a) No more than two (2) such signs shall be allowed on any zone lot where construction or development is taking place.

(b) No sign shall exceed ten feet (10') in height.

(c) The total area for any sign shall not exceed sixty four (64) square feet.

(d) Signs may be illuminated but shall not be flashing or animated or having moving parts.

(11) Off-Premise Signs<sup>44, 45</sup>

Where allowed, any free-standing pole sign allowed under this ordinance may be used to advertise an off-premise business or service in Gillette subject to the following conditions:

(a) The applicant must show a demonstrable hardship exists at the location of their place of business in Gillette which permits the erection of a pole sign but which nonetheless prevents or restricts the reasonable use of a pole sign at that location.

(b) If a pole sign is used to advertise an off-premise business or service, which is a substitute for a pole sign at the place of the business or service in Gillette, the business or service using the advertising surface must acknowledge, in writing, that the use of an off-premise pole sign is a substitute for a pole sign at the place of the business or service in Gillette being advertised and must relinquish their pole sign usage at the site of their business location.

(c) If used to advertise off-premise businesses or services exclusively, the pole sign shall be used as a substitute for the allowed pole sign on the site where the pole sign is located.

(d) A pole sign can be used to advertise both on-premise and off-premise businesses or services provided that the total advertising surface does not exceed the size limits allowed for a free-standing sign and the off-premise advertiser complies with item (b) above.

(e) An off-premise sign must be of uniform style and size to other pole signs in the district.

(f) Off-premise signs may be erected on zone lots for which a permitted use has not been established provided the property owner complies with item (c) above and the applicant complies with item (b) above.

(g) Subject to these conditions, the Planning Commission shall approve or deny the request on issuance of the sign permit for an off-premise sign.

Along with the application for a permit for an off-premise sign, the applicant shall submit a letter from the property owner where the off-premise sign will be located granting permission to erect an off-premise sign and stating that they understand and accept the restrictions that an off-premise sign may impose on their property. Prior to issuing an off-premise sign permit, the applicant shall submit verification as to the location of any pole signs that are to be relinquished as part of the conditions for issuing an off-premise sign permit.

(12) Inflatable Sign<sup>56</sup>

Where allowed, individual businesses may use inflatable signs. Inflatable signs maybe singular or multiple, tethered or ground mounted provided that the total aggregate square footage does not exceed 350 square feet. No individual inflatable sign shall exceed 30' in length. For the purpose of calculating total square footage of inflatable signs, the calculation shall be based on the length and width measurement of a cross-section through the center of the inflatable sign. Inflatable signs may not be used for off-premise advertising. Businesses seeking to use inflatable signs must provide design and construction details to demonstrate compliance with City wind load requirements and to demonstrate that

anchoring mechanisms will not present a danger to the public. All permits for inflatable signs will provide a site plan showing all existing structures, power poles, trees, or other features that could be impacted by the inflatable sign.

(a) Tethered, inflatable sign: the maximum altitude at which a tethered inflatable sign can be flown is 30', as measured from the ground at or immediately beneath the anchor point to the point of connection of the tether to the inflatable sign. No tethered sign can be flown or anchored in any manner that presents a safety hazard or otherwise endangers the public. No minimum setback from the property line is required for the anchor point, however no portion of the tether or the inflatable sign shall be allowed to encroach on the air space of adjoining public or private property.

(b) Ground mounted, inflatable signs: the maximum height of a ground anchored inflatable sign shall be 30'. The sign shall be located at least ten feet (10') from a property line and ten feet (10') from a driveway or parking area access lane. On a corner lot, the sign shall not be located within the required site triangle. All anchor wires shall be within the property lines.

g. Sign Area Measurement. (See Exhibit 10-1 and 10-2)

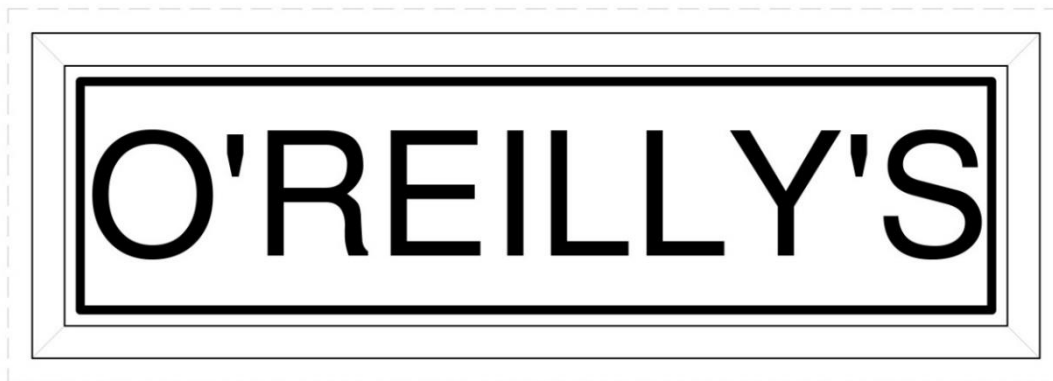
(1) The structure or bracing of any sign shall be omitted from measurement, unless such structure or bracing has been made an integral part of the message.

(2) Where a sign has two (2) or more display faces, the area of all faces shall be measured, unless such faces join back to back, are parallel to each other and are no more than twenty four inches (24") apart.

(3) The area of any backing or background material that is a part of the sign display shall be included in the sign area to be measured.

(4) The area of any sign shall be measured by determining the sum of the area of each square, rectangle, triangle, circle or portion or combination thereof that encompasses the outer limits of all portions of the sign, message or display.

(5) Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters or irregular dimension.



Measure background area when made an integral part of sign.



Individual letter or odd shaped signs, measure smallest regular area that will encompass all parts of sign.



*City Of Gillette*  
DEVELOPMENT SERVICES  
P.O. BOX 3003, 201 E. 5TH STREET  
GILLETTE, WYOMING 82717  
PHONE: (307) 686-5311

# SIGN AREA MEASUREMENT #1

DRAWN BY: KEB

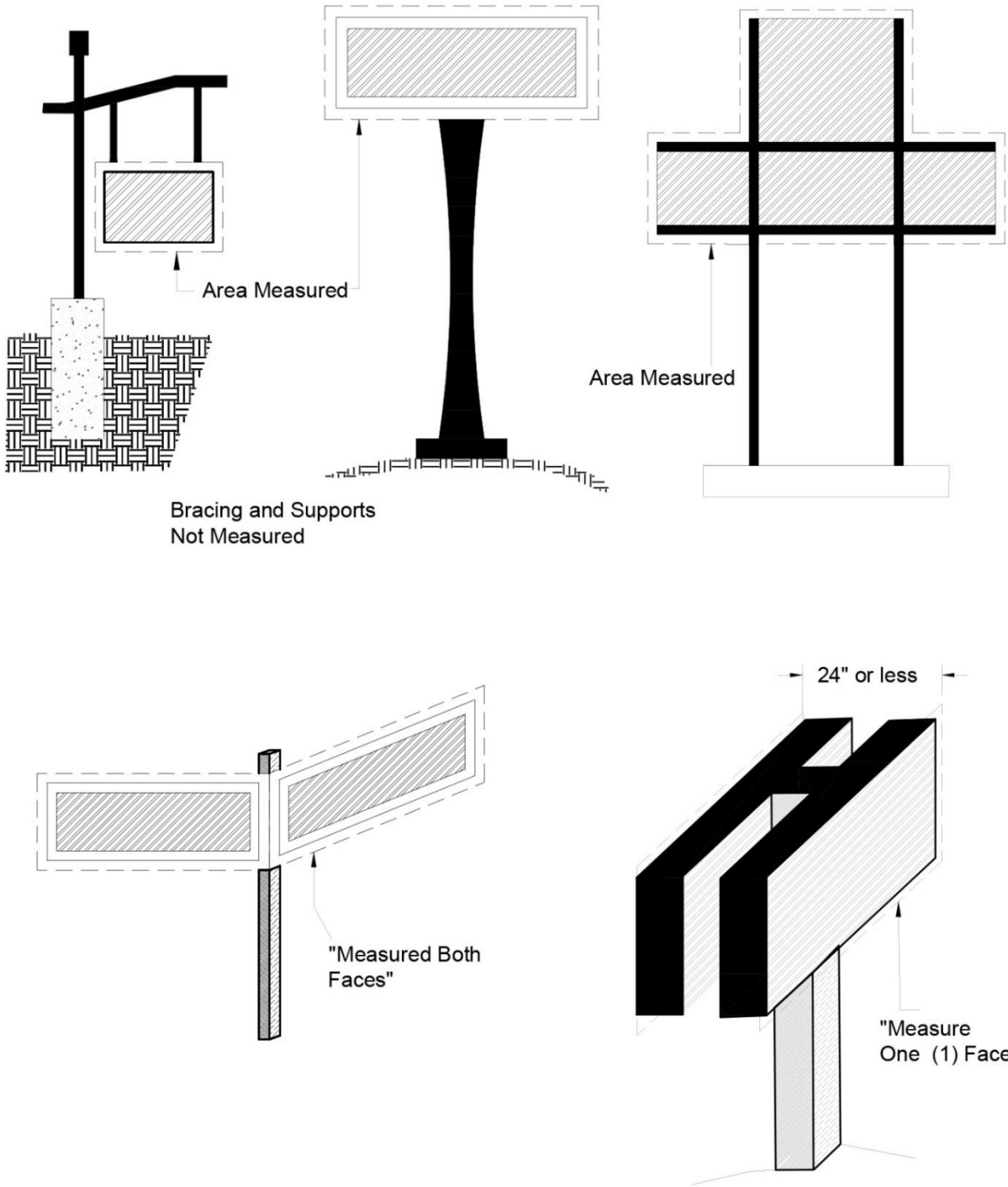
APPROVED BY: MHC

DATE:

DECEMBER 2016

DRAWING NO.

EXHIBIT 10-1




 <p><i>City Of Gillette</i>          DEVELOPMENT SERVICES          P.O. BOX 3003, 201 E. 5TH STREET          GILLETTE, WYOMING 82717          PHONE: (307) 686-5311</p>	SIGN AREA MEASUREMENT		DATE:
			DECEMBER 2016
	DRAWN BY: <u>KEB</u>		DRAWING NO.
	APPROVED BY: <u>MHC</u>		EXHIBIT 10-2

Exhibit 10-2

## SECTION 11. DEVELOPMENT PLANS.

a. Purpose. <sup>8, 21</sup> Pursuant to the procedures hereinafter set forth, when the following conditions exist, a development plan is required:

(1) when two (2) or more main buildings containing permitted uses are to be erected and maintained on the same zone lot in the R-3, R-4, M-H, C-O, C-P, C-1, C-3 and I-1 Districts; <sup>26</sup>

(2) when a condominium development is proposed in the R-3 or R-4 District, either new or a conversion condominium, containing ten (10) units or more, within one (1) or more structures on one (1) or more zone lots;

(3) when a multiple family, residential development is proposed in the R-3 or R-4 District which will contain ten (10) units or more within one (1) structure on the same zone lot; and

(4) when a commercial development in the C-O, C-P, C-1 or C-3 Districts is proposed which will contain twenty five thousand (25,000) gross square feet or more in one (1) main building containing permitted uses on the same zone lot. <sup>26</sup>

(5) when a development is proposed that includes mixed-use development, as defined in Section 14, in a C-P, C-O, C-1 or C-2 District. Development Plans shall not be required for permitted residential accessory uses where no more than one dwelling unit for each permitted use, occupied only by owners or employees, along with their families, employed on the same premises are proposed. <sup>73</sup>

This procedure is intended to permit diversification in the location of structures on the land, as well as to assure that major, one (1) structure residential or commercial projects do not adversely impact the surrounding neighborhood in which the project is to be located, while yet maintaining adequate standards for the preservation of the public health, safety and welfare.

b. Applicable Districts. <sup>3, 5, 8, 21</sup> The provisions of this section shall apply to permitted uses on the same zone lot, under the conditions provided in the above Paragraph a., in the following zoning districts:

R-3, R-4, M-H, C-O, C-P, C-1, C-3 and I-1

c. Submittal and Contents. <sup>5, 12</sup>

(1) All applications for the approval of a development plan shall be filed with the Director or his designee at least fourteen (14) days prior to the Planning Commission meeting at which the development plan is to be considered. Such applications shall be accompanied by the fee payment and shall include: <sup>30</sup>

(a) a statement certifying that the signatories are the owners of the land area described and agree to be bound by the provisions of the development plan as follows:





- in-lieu;
- intervals;
- publicly maintained;
- other building extensions; and
- (a) a drainage and detention plan or (at the City's option) cash-
  - (b) existing and proposed grading at two foot (2') contour
  - (c) the size and location of existing and proposed utilities to be
  - (d) the size and location of water, sewer and electric services;
  - (e) the location of sidewalks and gutters;
  - (f) the location and height of retaining walls;
  - (g) foundation and curb elevations;
  - (h) all porches, decks, cantilevers, steps, chimney chases or
  - (i) a vicinity sketch.

(4) the location of each existing and proposed structure in the designated area, together with a notation of the permitted uses to be contained in the structure, the height of the structure and the location of the entrances and loading areas:

- (5) all curb cuts, driving lanes, parking areas and loading areas;
- (6) all pedestrian walks, malls and open areas;
- (7) the location and height of all fences and walls and the location, height and size in square feet of all signs;
- (8) the total square footage of each of the following: the zone lot, building area (including building extensions), parking and driveway area, pedestrian walks and open space;
- (9) the type of surfacing, such as paving, turf or gravel;
- (10) the location of all fire hydrants and neighborhood (mail) box units;
- (11) the location of landscaping and general type of landscaping materials;

(12) a certificate and date of approval of the Planning Commission, reading:

Approved by the City of Gillette Planning Commission this \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Attest: Secretary<sup>30</sup>

(13) certificate for recording with the County Clerk and Recorder, as follows:

The Development Plan was filed for record in the Office of the Clerk and recorded at \_\_\_\_ 0'clock, \_\_\_\_ M., \_\_\_\_\_.

\_\_\_\_\_  
County Clerk

(c) names and addresses of owners of all lands immediately adjacent, within a distance of one hundred forty feet (140'), as shown in the records of the Campbell County Assessor. In determining the one hundred forty feet (140'), the width of any intervening street or alley shall not be included.<sup>12</sup>

(2) If the proposed development plan involves the dedication of a street or the platting or replatting of subdivision blocks or lots, the development plan shall be accompanied by a final subdivision plat, meeting all of the requirements of the Subdivision Regulations of the City of Gillette.

d. Review and Approval.

(1) The Director or his designee shall receive all development plans submitted, pursuant to this section and shall refer the development plan to the Department of Community Development.<sup>27,29</sup> The Department shall review the submitted development plans for appropriateness and for compliance with this ordinance. During its review of the development plan, the Department may make development plan information available to and confer with any agency or person. Upon completing its review the Department shall make a written recommendation for approval or disapproval of the plan and schedule the development plan and the Department's recommendations for discussion at a regular meeting of the Planning Commission. The Planning Commission's consideration of the development plan shall be based on the following standards:

(a) The structures noted on the plan must meet all of the limitations as to height, setback, open space and regulations governing in the zoning district in which the development plan is located. However, the Planning Commission may authorize a waiver from the terms of this ordinance, only in the review and approval of development plans, and provided the Commission finds that all of the following conditions exist: <sup>17</sup>

(1) that the waiver will be in harmony with the spirit of this ordinance and the duly adopted Comprehensive Plan;

(2) that the waiver will improve the design, quality and character of the development;

(3) that the waiver will not adversely affect the public health, safety or welfare;

(4) that the waiver will not authorize a permitted use, other than those specifically enumerated in the zoning district in which the waiver is sought;

(5) that the waiver will be in accordance with the character of the neighborhood; and

(6) that the waiver will not conflict with any other City code or ordinance.

A waiver request shall be submitted in writing, along with the development plan. Each waiver authorized by the Commission shall not be personal to the applicant but shall apply to a specific use or structure on the approved development plan and shall run with the land.

(b) Adequate provisions must be made for:

(1) proper grading, paving, gutters and treatment of turf to handle storm water and prevent erosion;

(2) pedestrian ways and open spaces which are safe and convenient and separated from vehicular traffic, loading and parking;

(3) safe and efficient vehicular circulation, both on the site and at the entrances to the public street system;

(4) safe play and recreational areas for residential complexes intended for family occupancy; and

(5) in commercial complexes, screening or planting to shield any adjacent residential areas from the visual encroachment of commercial architecture and activity.

(c) Buildings shall not be so arranged that any building is inaccessible by emergency vehicles.

(2) After due deliberation, the Planning Commission shall either approve or disapprove the development plan. An approved development plan shall be recorded by the County Clerk, and a copy filed among the records of the Chief Building Inspector as a reference in issuing the proper permits. If the development plan is disapproved, the Planning Commission shall state in writing, conditions whereby the plan might gain approval.

(3) If the development plan is accompanied by a final subdivision plat or condominium plat which is proposed as an integral part of the development plan, the Planning Commission shall consider the development plan and final plat or condominium plat at the same time. If the development plan and the final plat or condominium plat are approved, the Planning Commission, in its recommendation to the City Council, shall comment on the relationship of the approved development plan to the proposed final plat or condominium plat. If the development plan is disapproved by the Planning Commission, the Commission shall notify the Council of any impact the lack of an approved development plan might have upon Council's consideration of the final subdivision plat or condominium plat.<sup>8</sup>

(4) Approval of the development plan by the Planning Commission shall be effective for thirty six (36) consecutive months from the date of approval. The Planning Commission may, upon written application by the developer and for cause shown, grant up to two (2) extensions of approval, not to exceed twelve (12) months each. All development plans approved by the Planning Commission, prior to the effective date of this ordinance, shall remain valid for thirty six (36) months after the effective date of this ordinance.<sup>20</sup>

(5) In the event that a building permit for an approved development plan has not been issued, and construction has not commenced within the time limit described in the preceding paragraph, the Planning Commission may initiate vacation of the development plan. The owner of the property for which a development plan has been approved may also initiate vacation of the development plan, if the proposed development is no longer contemplated. Written notice of the proposed vacation shall be given to the property owner and all adjacent property owners within one hundred forty feet (140'), excluding intervening rights-of-way, prior to Planning Commission consideration of the proposed vacation. After the Planning Commission approves the vacating of the development plan, the property owner shall be notified, in writing, and an affidavit referencing the book and page numbers where the vacated development plan had been recorded shall be recorded in the County Clerk's Office.<sup>20</sup>

e. Recreational Vehicle (RV) Park Standards.<sup>12</sup>

A development plan shall be required for all new RV parks and for expansions of existing RV facilities. For expansions, the plan shall include the entire site, including existing facilities. The following development standards shall apply for recreational vehicle parks:

(1) Minimum Park Size. Three (3) acres.

(2) Minimum Width of Zone Lot. One hundred fifty feet (150') at the front setback line.

(3) Minimum Yards for Structures and Recreation Vehicles. There shall be a minimum of twenty feet (20') for the front yard, side yards and the rear yard. Where deemed necessary by the Planning Commission, an adequate visual buffer may be required.

(4) Unit Spaces.

(a) Minimum Width. Twenty-five feet (25').

(b) Minimum Area. There shall be provided and maintained, a separately designated land area of nine hundred (900) square feet, except that at least twenty percent (20%) of the total number of spaces shall be at least one thousand three hundred seventy five (1,375) square feet; and ten percent (10%) of the total number of spaces shall be at least one thousand six hundred twenty five (1,625) square feet.

(5) Accessory, commercial uses shall not exceed five percent (5%) of gross park area.

(6) Common Recreational Area. An adequate playground or other recreational area shall be provided.

(7) Service Building(s). Each park shall provide one (1) or more service buildings providing:

Number of Unit Spaces	Toilets		Urinals Men	Lavatories		Showers		Other Fixtures
	Men	Women		Men	Women	Men	Women	
1-15	1	2	2	2	2	2	2	Minimum one (1) slop sink
16-30	2	3	3	3	3	2	2	
31-45	3	4	3	4	4	3	4	
46-60	4	5	4	5	5	3	5	
61-80	4	6	4	5	5	5	6	

For parks with more than eighty (80) unit spaces, additional facilities shall be provided as follows:

(a) men's toilets, urinals, lavatories and showers - one (1) of each per each twenty (20) additional unit spaces; and

(b) women's toilets, lavatories and showers - one (1) of each per each additional fifteen (15) unit spaces.

(8) Water Supply. A potable water supply shall be available, not farther than one hundred feet (100') from any unit space.

(9) Refuse Disposal. Durable, water-tight refuse containers shall be provided at sanitary waste stations, service buildings and within one hundred fifty feet (150') of any unit space.

(10) Sanitary Waste Stations. One (1) station shall be provided for each one hundred (100) unit spaces, or part thereof, not equipped with individual sewer connections. A means for washing down the immediate area of the station shall be provided.

(11) Parking. A minimum of one (1) parking space shall be provided at each unit space. Parking spaces and RV pads shall be surfaced with gravel, as designated by the City of Gillette Construction Specifications and Design Standards, for individual unit spaces.<sup>27</sup>

(12) Streets. All streets shall be of an all-weather surface of asphalt or concrete. The following minimum widths shall be required:

- (a) One way, with no on street parking - twelve feet (12').
- (b) One way, with on street parking (one side) - twenty feet (20').
- (c) Two way, with no on street parking - twenty feet (20').
- (d) Two way, with on street parking - twenty eight feet (28').

f. Appeals.<sup>12</sup> If the developer contends that the conditions of approval attached by the Planning Commission are of such a nature as to make development of his land impractical, or if the developer contends that disapproval of his development plan was a wrongful decision, he may request a hearing before the City Council. The request shall be submitted in writing within thirty (30) days of the action or decision appealed from and shall state the specific relief sought. Within thirty (30) days of the receipt of such a request, the City Council shall hold a hearing to determine the proper disposition. At the hearing, the Council shall consider not only the developer's appeal, but also the written or verbal comments of the Commission. The Council shall either reaffirm or modify the decision of the Commission and note the decision in the record of its hearing. This decision shall be binding upon all agencies and administrative personnel of the City of Gillette.

g. Significance.<sup>12</sup> Development plans approved by the Planning Commission and recorded and filed by the County Clerk shall be binding upon the owner or owners of the land included in the plan, and all permits and certificates shall be issued in accordance with the recorded plan.

h. Amendments.<sup>12</sup> Recorded development plans may be withdrawn or may be amended, pursuant to the same conditions and procedures whereby they first gained approval.

SECTION 11-A. ZERO LOT LINE DEVELOPMENTS (ZLL).<sup>15</sup>

a. Purpose. The purpose of this ordinance is to permit single family developments with a zero side yard building setback, in order to provide for a more efficient utilization of land, as compared with typical, single family development.

b. Applicable Districts. The ZLL provisions of this section shall apply to the development of single family residences in the R-1 District, and the development of single family and two family residences in the R-2 and R-3 Districts.

c. General Regulations.

(1) All applicants of ZLL development proposals shall submit a site plan to the Department of Community Development<sup>27</sup> for review and approval. ZLL site plans must be approved by the Department of Community Development<sup>27</sup> and recorded in the Campbell County Clerk's Office prior to the issuance of zoning permits. ZLL applications shall be accompanied by the fee payment and include the following:

(a) a statement certifying that the signatories are the owners of the land area described and agreed to be bound by the provisions of the ZLL site plan, as follows:

It is agreed that the condition of this ZLL site plan shall be binding upon the undersigned, their successors and assigns, shall limit and control the issuance and validity of all zoning permits, and shall restrict and limit the location, construction and use of all land and structures included within the plan to all of the conditions set forth upon the plan; and that the ZLL site plan may be amended only upon application to and approval by the Department of Community Development.<sup>27</sup>

Executed this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by:

\_\_\_\_\_  
\_\_\_\_\_

STATE OF WYOMING    )  
  ) ss.  
County of Campbell    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_, by \_\_\_\_\_, as a free and voluntary deed.  
Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



(b) a twenty four inch (24") by thirty six inch (36"), original linen or mylar and five (5) prints of a plat or plan drawn to scale showing at least the following detail:

(1) lot lines and the legal descriptions of the lots included in the proposed ZLL development;

(2) the land area to be included within the ZLL development, its zoning classification, the zoning classification of abutting lands and all public or private rights-of-way and easements abutting or crossing the land area which are existing, proposed or to be abandoned; the boundary of the area included within the ZLL development shall be shown in a heavy solid line;

(3) building setback lines shall be shown on the site plan with a dashed line;

(4) a certificate and date of approval for the Department of Community Development,<sup>27</sup> reading:

Approved by the City of Gillette Department of Community Development <sup>27</sup> this \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_.

\_\_\_\_\_  
Director

(5) a certificate for recording with the County Clerk and Recorder, as follows:

The Zero Lot Line Site Plan was filed for record in the Office of the County Clerk and Recorder at \_\_\_\_ o'clock, \_\_\_\_ M., \_\_\_\_\_.

\_\_\_\_\_  
County Clerk

(c) submittal of a declaration of covenants, conditions and restrictions pertaining to easements and maintenance of side yards to the Department of Community Development <sup>27</sup> for review and recording in the County Clerk's Office, along with the ZLL site plan;

(d) submittal of an ownership and encumbrance report or commitment for title insurance prepared by an abstract company; and

(e) If the proposed ZLL site plan involves the dedication of a street or the platting or replatting of subdivision blocks or lots, the ZLL site plan shall be accompanied by a final subdivision plat, meeting all of the requirements of the Subdivision Regulations of the City of Gillette.

- (2) Minimum Size of ZLL Development. Four (4) adjacent, platted lots.
- (3) Minimum Area of Platted Lot. Six thousand (6,000) square feet in the R-1 District and four thousand (4,000) square feet in the R-2, R-3, and M-H Districts for zero lot line dwellings.<sup>26</sup>
- (4) Minimum Width of Platted Lot.
- (a) R-1 District. Forty five feet (45') at the front setback line, except corner lots must be fifty five feet (55').
- (b) R-2 and R-3 Districts. Thirty five feet (35') at the front setback line, except corner lots must be forty five feet (45').
- (5) Minimum Yards for Structures.
- (a) Front yard. Twenty feet (20'); except that on a corner lot, any front yard not directly adjacent to the primary entrance of a main building may be reduced to fifteen feet (15').
- (b) Rear Yard. Twenty feet (20').
- (c) Interior Side Yard. One side yard shall be a minimum of ten feet (10'), and the other yard must be zero feet (0'), except accessory structures shall observe setback requirements as otherwise provided in the R-1, R-2 and R-3 Districts.
- (d) A ten foot (10') setback shall be maintained between single family dwelling units in a ZLL development.
- (e) Perimeter Yards. All yards within the ZLL site plan, adjacent to property not included in the ZLL site plan, shall comply with requirements of the underlying district; except that if the adjacent property is included in a previously approved and recorded ZLL site plan, the side yard may be reduced to zero feet (0') when the adjacent side yard is ten feet (10').
- (6) Maximum Height of Structures. Thirty five feet (35').
- (7) Maximum Lot Coverage. Sixty percent (60%).
- (8) Walls constructed adjacent to the zero (0) side yard lot line shall be solid, with no doors, windows or other openings. No eaves, overhangs, gutters, cornices, exterior columns, chimneys or other building accessories shall extend beyond the property line.
- (9) A perpetual maintenance easement, a minimum of four feet (4') in width, shall be provided adjacent to the property line in the required side yard. It must be shown on the ZLL site plan and/or on the subdivision plat. The covenants shall dedicate this easement and govern the rights and

restrictions to its use. This easement shall be kept clear of all structures; except fences and/or retaining walls, provided access by the adjacent property owner is not unduly restricted.

(10) Except as provided herein, all other provisions of the underlying zoning district shall apply to property developed as part of a ZLL site plan.

d. Review and Approval.

(1) The Department of Community Development<sup>27</sup> shall receive all ZLL site plans submitted, pursuant to this section. The Department shall review the submitted site plan for appropriateness and for compliance with this ordinance. During its review of the site plan, the Department may make the plan information available to and confer with any agency or person. Upon completing its review, the Department shall either approve or disapprove the ZLL site plan.

(2) An approved ZLL site plan and covenants shall be recorded with the County Clerk, and a copy of the site plan filed among the records of the Chief Building Inspector, as a reference in issuing the proper permits. The petitioner shall be responsible for payment of the recording fees. Upon approval and recording of a ZLL development site plan, the Zoning Administrator shall note the lots approved for "ZLL" on the official zoning map. Appeals shall be handled in the same manner as Section 5.f. of this ordinance.

## SECTION 12. AMENDMENT PROCEDURES.

a. Statement of Policy. It is the intent of the City of Gillette that this ordinance, which includes this ordinance and the district zoning map, have been established for the purpose of promoting sound and desirable development and for maintaining stable land use patterns. In harmony with this purpose, the ordinance and map shall not be amended, except to (1) correct an obvious error or oversight in the regulations; or to: (2) recognize changing conditions in the City, which require that amendments be adopted for the promotion of the public health, safety and general welfare. In conformity with this statement of policy, the City Council and the Department of Community Development <sup>27</sup> may initiate amendments, or any person, firm or corporation may initiate amendments in the manner hereinafter set forth.

b. Amendments: Type and How Made.

(1) Amendments shall be of two (2) types:

(a) language amendments which seek to change the wording of the Zoning Ordinance; and

(b) map amendments which seek to change the district boundary lines on the district zoning map.

(2) Applications for amendments of either type shall be made to the Zoning Administrator. The Zoning Administrator may develop forms for this purpose. The application shall include, among other things:

(a) name and address of the applicant;

(b) applicant's interest in the application, i.e., whether owner of the land or structure affected, or agent;

(c) name and address of any other interested parties, such as owner or developer;

(d) nature and effect of the proposed amendment; and

(e) statement of the legal basis for such an amendment, whether to correct an error or to recognize changing conditions.

(3) Amendments to the district zoning map shall, in addition, include:

(a) legal description and map of the area sought to be rezoned; map shall show relationship of the property to abutting properties;

(b) existing zoning district designation and proposed zoning district designation;

(c) time schedule for development; and

(d) names and addresses of all owners of land within the area proposed for rezoning and within one hundred forty feet (140') of the outer limits of the area proposed for rezoning; in determining the one hundred forty feet (140'), the width of any intervening street or alley shall not be included.

(4) The Zoning Administrator shall review the application for correctness and completeness and shall report to the City Council concerning the nature of the application and the date of its filing. The Zoning Administrator shall refer a copy of the application to the Department of Community Development<sup>27</sup> for its recommendation and may refer a copy to any other agency which might be affected by the amendment for comment.

(5) The Zoning Administrator shall seek a timely response from agencies in regard to the application. If a response or notification that a response will be given is not forthcoming within thirty (30) days from the date on which the application was sent, then the agency not responding will be considered to have no objection.

(6) The Zoning Administrator shall assemble all comments, including those of the Department of Community Development<sup>27</sup>, and schedule the matter for a public hearing before the Planning Commission and for later consideration at a regular meeting of the City Council.

c. Public Hearing.

(1) The Planning Commission shall hold a public hearing on all amendments to this ordinance and to the district zoning map, at which all interested parties shall have an opportunity to be heard. Notice of the time and place of the public hearing, and the nature of the amendment sought, shall be given by one (1) publication in a newspaper of general circulation in the City, at least fifteen (15) days prior to the date of such hearing. Also, the area which is to be the subject of the hearing shall be posted for at least fifteen (15) days prior to the hearing. The posted notices shall be in number, size and location as prescribed by the Zoning Administrator and shall state the present zoning classification, the proposed zoning classification and the time and place of the public hearing, on standard signs provided by the City. Notices shall be posted by a designated City official and removed by the same within fifteen (15) days after the public hearing has been held.

(2) After its public hearing and after due deliberation, the Planning Commission shall certify its findings and recommendations on any proposed amendments to this ordinance or to the district zoning map to the City Council, in writing.

(3) No zoning amendment shall be considered by the Council until after it has been the subject of a public hearing before the Planning Commission, and the Commission has forwarded its findings and the recommendations to the Council. In its deliberations on zoning matters before it, the

Council shall take into consideration any evidence and material available to it, comments of public agencies and the findings and recommendations of the Planning Commission. No zoning change shall be put into effect unless a majority of the Council votes in favor of its adoption.

(4) In the event of a protest to a proposed amendment of the district zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the lots included within the proposed change, or those immediately adjacent within a distance of one hundred forty feet (140'), the amendment shall not become effective, except by the affirmative vote of three fourths (3/4) of all the members of the City Council. In determining the one hundred forty feet (140'), the width of any intervening street or alley shall not be included.

(5) All protests to a proposed amendment to the district zoning map, or any withdrawals from such a protest, shall be filed with the Zoning Administrator at least twenty four (24) hours before the time set by notice for the Council meeting at which the proposed amendment will be considered.

d. Amendments for Mineral Extraction or Production.

(1) All mineral extraction and/or production activity shall take place in an I-2 District.

(2) Applications for amendments to allow mineral extraction and production shall follow the amendment procedures outlined in Sections 12.b. and 12.c. of this ordinance.

(3) After the required public hearing has been held, and after due deliberation by the City Council, the City Council may:

(a) request that State or Federal approvals be withheld, pending recommended modifications; and

(b) impose such additional conditions and safeguards as they deem necessary to protect the surrounding environment or adjacent uses of land, while yet permitting the reasonable extraction and production of the minerals in question.

e. Limitations on Filing.

No application for the change of a zoning district classification shall be made by a property owner or his agent for any land area which has been the subject of a public hearing conducted by the City Council within the immediately preceding, twelve (12) month period, and which hearing resulted in a rejection of the proposed zoning. This limitation shall not apply to land for which a different zoning classification is sought than the one rejected by the Council.

f. Minimum Size of Area.<sup>5, 8, 16, 21</sup> (See Page 12-124a)

(1) Intent. It is the intent of this ordinance that all zoning districts be of such a size as to function effectively when developed to the use for which the district was intended and to be of

substantial benefit to significant segments of the populace of the City of Gillette. For that reason, no amendment to this ordinance shall be adopted, whereby a zoning classification is established for any land area, unless the area to be zoned meets the following minimum size requirements for the zoning districts as noted:

- (a) A, Agricultural District - 20 acres
- (b) R-R, Rural Residential District - 10 acres
- (c) R-S, Suburban Residential District - 10 acres
- (d) R-1, Single Family Residential District - 10 acres
- (e) R-2, Single and Two Family Residential District - 3 acres
- (f) R-3, Single and Multiple Family Residential District - 3 acres
- (g) R-4, Multi Family Residential District - 2 acres
- (h) M-H, Mobile Home District - 5 acre
- (i) E-MH, Enhanced Manufactured Home District - 7 acres <sup>63</sup>
- (j) E-MH R-S, Enhanced Manufactured Home Suburban Residential District - 10 acres <sup>63</sup>
- (k) C-O, Office and Institutional District - 1 acre
- (l) C-P, Planned Neighborhood Business District - 1 acre <sup>12</sup>
- (m) C-1, General Commercial District - 4 acres
- (n) C-2, Central Business District - 20 acres
- (o) C-3, Business/Services District - 10 acres
- (p) I-1, Light Industrial District - 5 acres
- (q) I-2, Heavy Industrial District - 10 acres

(2) How measured. For the purpose of computing the size of an area for compliance with Section 12.f.(1) above, there shall be included:

- (a) one-half (½) of the area of abutting rights-of-way, not however, to exceed a dimension of fifty feet (50') to the centerline;
- (b) all of the area of public rights-of-way interior to the area being changed;
- (c) adjacent and contiguous land within the City already zoned in the zoning classification being sought for the new area; and
- (d) adjacent and contiguous land in the surrounding county that is zoned in a similar category or is used substantially for uses similar to those being sought by the applicant.

### SECTION 13. TELECOMMUNICATION TOWERS AND ANTENNAS <sup>57</sup>

a. Purpose. The purpose of this ordinance is to establish guidelines for the siting of telecommunication towers and antennas. In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the goals of this ordinance are to:

(1) facilitate the provision of wireless telecommunication services to the residents and businesses of the City;

(2) minimize adverse visual effects of towers through careful design and siting standards;

(3) avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and,

(4) maximize the use of existing and approved towers, buildings, and structures to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

b. Definitions. As used in this ordinance, the following words and terms are defined as follows:

(1) **Antenna:** any exterior transmitting or receiving communication device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(2) **Antenna support structure:** any building or structure other than a tower, which can be utilized for location of telecommunications facilities.

(3) **Cable microcell network:** the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(4) **Commercial Telecommunication Services:** licensed commercial telecommunication services include cellular, personal communication services, specialized mobilized radio, cable microcell networks, enhanced specialized mobilized radio, paging, and similar services that are marketed to the general public.

(5) **Equipment building:** a cabinet or other structure containing electronics and other support equipment for a telecommunications antenna to provide service.

(6) **Existing towers and Existing telecommunications facilities:** any telecommunications tower or telecommunications facilities existing on the effective date of this ordinance, and those for which an application has been properly issued prior to the effective date of this ordinance,



including permitted telecommunications towers or telecommunications facilities that have not yet been constructed so long as such approval is current and not expired. After the effective date, any tower other than a telecommunications tower that is permitted in accordance with applicable provisions of the municipal code will be treated as an existing tower.

(7) Microwave dish antenna: a dish-like antenna used to transmit or receive microwave signals.

(8) Monopole tower: a telecommunications tower consisting of a single pole or spire self supported by a permanent foundation, constructed without guy wires and ground anchors.

(9) New towers and new telecommunications facilities: any telecommunications tower or telecommunications facility for which an application for construction or location has been submitted to the City after the effective date of this ordinance.

(10) Not-essential services: Towers and antennas will be regulated and permitted pursuant to this ordinance and not regulated or permitted as essential services, public utilities or private utilities.

(11) Panel antenna: a planar array of antennas designed to concentrate a radio signal in a particular area.

(12) Self-support/lattice tower: a telecommunications tower that is constructed without guy wires and ground anchors.

(13) Stealth facility/elements: any telecommunications facility, which is designed to blend into the surrounding environment. Examples of stealth facilities or elements include: architecturally screened roof-mounted antennas, antennas integrated into architectural elements, painting antennas to blend in with the existing structure, and telecommunications towers designed to look like trees.

(14) Telecommunications Facility: a telecommunications antenna and any electronics or other equipment necessary at the antenna site for the provision of telecommunication services including any equipment building.

(15) Telecommunications tower: a monopole or self-support/lattice tower, or extension thereto, constructed as a free-standing structure, containing one or more antennas used in the provision of, or designed to contain, telecommunication services.

A telecommunications tower is also any freestanding structure, other than a building, including any monopole or self-support/lattice tower, utility poles and water towers. An existing tower other than a telecommunications tower becomes a telecommunications tower once one personal wireless facility is located upon it.

(16) Tower Site: a parcel of land used for the primary purpose of locating a telecommunication tower. The site may be smaller than the minimum lot size required in the zoning

district, if the site is completely contained within a lot meeting the minimum lot size requirements of the underlying zoning district.

(17) Whip antenna: A cylindrical antenna that transmits signals in 360 degrees.

c. General Requirements.

(1) Permit. All persons requesting to construct, modify, co-locate or relocate any telecommunication tower or antenna within the City shall submit an application to operate; apply for a building permit and pay all applicable franchise, revocable license, and removal security fee, and provide proof of insurance and bonding. No activity to construct, modify, or relocate a telecommunication tower or antenna shall be begun until all application, permits and fees have been obtained.

(2) Effective Date. All Wireless Telecommunication Towers and/or Antennas and all telecommunication facilities, storage and equipment structures which are constructed, modified, or relocated after the effective date of this Ordinance shall comply fully with the provisions and requirements of this Ordinance.

(3) Amateur Radio And TV Antennas. Towers supporting amateur radio antennas 70' or less in height and television aerials or antennas intended for home reception of over the air TV signals, are exempt provided the use is personal and non-commercial.

(4) District Regulations. Telecommunication towers and antennas and associated equipment and storage facilities are allowed in every zoning district in the City, subject to the particular provisions of each District, except the A, Agricultural District. Construction, modification or relocation of telecommunication towers, antennas and storage and facility structures are subject to all the limitations and criteria outlined for the applicable zoning districts as detailed in d. District Regulations.

(5) Emergency Action. The City may enter upon and disconnect, dismantle or otherwise remove any tower or telecommunications facility which becomes an immediate hazard to the safety of persons or property due to emergency circumstances, such as natural or manmade disasters or accidents, as determined by the City Administrator or his designee, when the owner of any such facility is not available to immediately remedy the hazard. The City shall notify any said owner of any such action within twenty-four (24) hours. The owner and/or operator shall reimburse the City for the costs incurred by the City for action taken pursuant to this Section of the ordinance.

(6) Interference with Public Safety Telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the City at least ten calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

(7) General Liability Insurance. All towers shall be covered by a general liability insurance policy in an amount not less than \$500,000.

(8) Licenses or Franchise: Owners and /or operators of towers and telecommunications facilities must certify that all licenses and/or franchises required by law for the construction and/or operation of a wireless communications system in the City have been obtained and shall file a copy of all such licenses and/or franchises with the City. An owner and/or operator of a tower or telecommunications facility must notify the city in writing within 48 hours of any revocation or failure to renew any such license or franchise. In the event the use of a tower or telecommunications facility is discontinued, the owner and/or operator shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.

(9) General Construction and Maintenance Requirements. All towers, antennas, support structures and accessory buildings constructed, modified or located within the City, and all wiring therefore, shall comply with the following requirements:

(a) All applicable provisions of this Chapter.

(b) Towers shall be certified by a qualified and licensed engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and National Electrical Codes as adopted in Gillette.

(c) With the exception of necessary electric and telephone service and connection lines, no part of any antenna or tower nor any line, cable, equipment or wire or brace in connection with either shall at any time extend across or over any part of any right of way, public street, alley, highway, sidewalk, property line, or tower site.

(d) Towers and associated antennas shall be designed to conform with accepted electrical engineering standards, methods and practices and to comply with the provisions of the National Electrical Codes as adopted in Gillette.

(e) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.

(f) Every tower shall be protected to discourage climbing of the tower by unauthorized persons and provided with adequate danger warning signage.

(10) Antennas Mounted on Roofs, Walls, and Existing Towers. The placement of telecommunication antennas on roofs, walls, and existing towers may be approved provided the antennas meet the requirements of this ordinance after submittal of a final site and building plan, a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's structural suitability to safely accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

(11) **Accessory Utility Buildings.** All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum structure setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

(12) **Signs and Advertising.** The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(13) **Tower Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower when incorporated into the approved design of the tower.

d. **Zoning District Regulations.**

(1) R-1, R-2, R-3, R-4, R-S, R-R, M-H, E-MH<sup>65</sup>, E-MH R-S<sup>65</sup> Residential Zoning Districts.

(a) Telecommunication Towers and Antennas are allowed as an accessory use only.

(b) Telecommunication Towers and Antennas may be attached to any existing structure provided neither the tower nor the antenna extends above the highest point of the existing structure and provided that the tower and antenna and support equipment are designed to blend into the surrounding environment as a stealth facility.

(c) Any existing commercial tower may be modified to accommodate co-location of additional telecommunication facilities provided the height of the tower is not increased more than 10% of the original height. The height of any modified telecommunication tower may only be increased one time.

(d) Telecommunication Antennas and Towers may be located on City of Gillette property provided the City has approved a lease authorizing the facility and the request complies with section e. Use of City Owned Land and Facilities.

(e) Sufficient spacing between towers either on the property or on adjacent property shall be maintained to ensure safety.

(f) All towers and antennas shall comply with the provisions of c.(9). *General Construction and Maintenance Requirements.*

(g) New towers may be constructed only in compliance with section (4), *New Tower Exceptions for Extraordinary Circumstances*.

(2) C-P, C-O, C-1, C-2, and C-3 Commercial Zoning Districts.

(a) Telecommunication Towers and Antennas are allowed as an accessory use only.

(b) New Telecommunication Towers and Antennas may be attached to any existing structure provided neither the tower nor the antenna extends more than 30 feet above the highest point of the existing structure and provided that the tower and antenna and support equipment are designed to blend into the surrounding environment using stealth elements as appropriate. .

(c) Any existing commercial tower may be modified to accommodate co-location of additional telecommunication facilities provided the height of the tower is not increased more than 10% of the original height. The height of any modified telecommunication tower may only be increased one time.

(d) Telecommunication Antennas and Towers may be located on City of Gillette property provided a revocable license authorizing the facility has been approved by the City and the request complies with the requirements of section e. Use of City Owned Land and Facilities.

(e) Sufficient spacing between towers either on the property or on adjacent property shall be maintained to ensure safety.

(f) All towers and antennas shall comply with the provisions of c.(9). *General Construction and Maintenance Requirements*.

(g) New towers may be constructed only in compliance with section (4), *New Tower Exceptions for Extraordinary Circumstances*.

(3) I-1 and I-2 Industrial Zoning Districts.

(a) Telecommunication Towers and Antennas are allowed as either a Permitted Use or as an Accessory Use

(b) Telecommunication Towers and Antennas may be attached to any existing structure provided neither the tower nor the antenna extends more than 30 feet above the highest point of the existing structure and provided that the tower and antenna are designed to blend into the surrounding environment as a stealth facility.

(c) Any existing commercial tower may be modified to accommodate co-location of additional telecommunication facilities provided the height of the tower is not increased beyond the limits set in section 4.(b)(3).

(d) Telecommunication Antennas and Towers may be located on City of Gillette property provided a revocable license authorizing the facility has been approved by the City and the request complies with the requirements of section e. Use of City Owned Land and Facilities.

(e) A telecommunication tower may be located as an accessory use on a lot utilized for other permitted uses or as a permitted use on a parcel of land smaller than the minimum lot size required in the zoning district. This parcel shall be considered as the "tower site". The tower site, but not the entire lot, shall be subject to all the requirements of this section.

(f) Setbacks and Tower Spacing.

(1) All towers up to 100 feet in height shall be setback on all sides a distance to the underlying front yard setback requirement in the applicable zoning district for structures; towers in excess of 100 feet in height shall be setback one additional foot per each foot of tower height in excess of 100 feet; and,

(2) Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located if it is the primary use or from the exterior tower site boundary line if it is an accessory use; and,

(3) Spacing distance between towers, as measured from the base of one tower to the base of another tower, shall be no less than 100 feet.

(g) New towers may be constructed only in compliance with section (4), *New Tower Exceptions for Extraordinary Circumstances*.

(4) New Tower Exceptions for Extraordinary Circumstances

(a) Except in the case of City owned property, all requests for the construction of a new commercial wireless telecommunication towers must be approved by the Planning Commission. An application may be approved if the Planning Commission finds that the proposed site is necessary and is the best site for the particular signal and/or service to be delivered by the proposed equipment and the proposed tower and facility cannot be accommodated on an existing tower or structure within one mile of the proposed site due to one or more of the following:

(1) the planned equipment would exceed the structural capacity of existing towers or structures and the existing towers or structures cannot be reinforced or modified at a reasonable cost;

(2) the planned equipment would cause interference materially impacting the usability of other existing or planned equipment on the existing towers and the interference cannot be prevented at a reasonable cost;

(3) existing towers cannot accommodate the planned equipment at a height necessary to function reasonably.

(b) Should the Planning Commission find that a proposal for a new commercial tower complies with the terms of (a) (1), (2) or (3) above, any new commercial tower constructed shall only be of monopole or self-supporting lattice tower construction based on District regulations and provide stealth elements and be subject to the following height and usage criteria:

(1) R-1, R-2, R-3, R-4, R-S, R-R, M-H, E-MH<sup>65</sup>, E-MH R-S<sup>65</sup>, Residential Zoning Districts.

(i) all new towers shall be monopole or self-supporting lattice construction;

(ii) for a single user, up to 40 feet in height;

(iii) for two users, up to 60 feet in height;

(iv) for three or more users, up to 80 feet in height.

(v) The Planning Commission may approve the construction of towers that are taller than the limits set forth in the preceding sections, only if the applicant shows that its use cannot be accommodated on a complying tower, and that no other location exists on which a complying tower or antenna could be located.

(2) C-P, C-O, C-1, C-2, and C-3 Commercial Zoning Districts.

(i) all new towers shall be monopole or self-supporting lattice construction;

(ii) for a single user, up to 40 feet in height;

(iii) for two users, up to 80 feet in height;

(iv) for three or more users, up to 100 feet in height.

(v) The Planning Commission may approve the construction of towers that are taller than the limits set forth in the preceding sections, only if the applicant shows that its use cannot be accommodated on a complying tower, and that no other location exists on which a complying tower or antenna could be located.

(3) I-1 and I-2 Industrial Zoning Districts. All new towers shall be designed and constructed to accommodate at least two telecommunication providers and are subject to the following height and usage criteria:

(i) all new towers shall be monopole or self-supporting lattice construction;

- (ii) for two users, up to 100 feet in height;
- (iii) for three or more users, up to 120 feet in height.

e. Use of City Owned Land and Facilities.

(1) Priority of Users. Priority for requests to locate telecommunication antennas and towers on City owned land and facilities will be given to the following entities in the following descending priority order:

- (a) City
- (b) Public safety agencies, including law enforcement, fire, and ambulance services, and private entities with a public safety agreement with the City;
- (c) Other governmental agencies, for uses which are not related to public safety; and,
- (d) Entities providing licensed commercial wireless telecommunication services including, but not limited to cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and other similar services that are marketed to the general public.

(2) Minimum Requirements. The placement of wireless telecommunication antennas or towers for the provision of telecommunication services on City owned property must comply with the following requirements:

- (a) The antennas or tower will not interfere with the purpose for which the City owned property is intended;
- (b) The applicant will furnish adequate liability insurance and execute a revocable license agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The fees shall be established by the City Council after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors affecting the value of the site and achieving the policy goals of this ordinance;
- (c) The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the costs of the antenna or tower's removal;
- (d) The antennas or tower will not interfere with other users who have a higher priority according to section e.(1);
- (e) Upon reasonable notice, the antennas or tower may be required to be removed at the user's expense.



(f) The applicant must reimburse the City for any costs which the City incurs because of the presence of the applicant's antennas or tower and,

(g) The user must submit and obtain all necessary application approvals. Requests for the use of City property shall be determined by the City Council and shall not be reviewed by the Planning Commission.

(3) Special Requirements. The use of certain City owned property, such as water tower sites and parks, for wireless telecommunication antennas or towers, is subject to additional requirements due to the unique nature of these sites. The placement of wireless telecommunication antennas or towers on these special City owned sites will be allowed only when the following additional requirements are met.

(a) Water Tower Sites - The City's water towers represent a large public investment in water pressure stabilization and peak capacity reserves. Protection of the quality and quantity of the City's water supply is of prime importance to the City. As access to the City's water storage systems increases, so too increases the potential for contamination of the public water supply. Certain sites such as the water tank and park land on Nob Hill, above Twin Spruce Junior High School, are particularly sensitive, due to their location and public use, and are not available for new commercial towers. For these reasons, the placement of wireless telecommunication antennas or towers on water tower will be allowed only when the City is fully satisfied that the following requirements are met:

(1) The applicant's access to the facility will not increase the risks of contamination to the City's water supply;

(2) There is sufficient room on the structure and/or on the grounds to accommodate the applicant's facility;

(3) The presence of the facility will not increase the water tower maintenance costs to the City, and will not exceed the structural integrity of the Water Tower or other structure; and,

(4) The presence of the facility will not be harmful to the health of workers maintaining the water tower.

(5) The presence and operation of the facility will not adversely affect any other interest of the City.

(b) Parks - The presence of wireless telecommunication antennas or towers may conflict with park uses. Wireless telecommunication antennas or towers will be considered only in major playfield locations if the tower or antenna is incorporated into ball field light standards.

(4) Application Process. All applicants who wish to locate a wireless telecommunication antenna or tower on City owned property must submit a completed application and detailed plan that complies with the submittal requirements of section f. of this chapter along with any other pertinent information requested by the City.

(5) Termination. The City Council may terminate any revocable license if it determines that any one of the following conditions exist:

(a) A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with the existing use;

(b) A user's frequency broadcast unreasonably interferes with other users of a higher priority, regardless of whether or not this interference was adequately predicted in the technical analysis; or,

(c) A user violates any of the standards of this ordinance or the conditions contained in its revocable license to locate on City property.

Before taking action, the City will provide notice to the user of the intended termination and the reasons for it, and provide an opportunity for the user to address the City Council regarding the proposed action. This procedure need not be followed in emergency situations referred to in section c.9 of this chapter.

(6) Decision of City Council Final. The decision of the City Council to approve or deny any request for a license to use City property is final and not subject to review on appeal.

f. Application Requirement

(1) Applications to Locate Telecommunication Facilities on Existing Towers or Structures.

Applicants must provide:

(a) The required fees as established by City Council

(b) An inventory of its existing towers, telecommunication facilities or sites for telecommunication facilities or towers, that are either within the City limits or within one mile of the City limits, including specific information about the location, height, design and capacity of each telecommunication facility or tower.

(c) Copies of all licenses and/or franchises required by law for the construction and/or operation of telecommunication facility.

(d) A legal description and physical address of both the property and tower site (if applicable).

(e) A scaled site plan clearly indicating the tower/antenna location, type and height of the proposed telecommunication facility, the location of the accessory building, on-site land uses

and zoning, adjacent land uses and zoning, proposed means of access, distances from property lines, and elevation drawings of the proposed telecommunication facility and tower or antenna support structure.

(f) A certification that the applicant will comply with all applicable federal, state and local laws.

(g) A certification that the site described in the application is located on an existing tower or structure and that the owner/operator agrees to the co-location on its facility.

(h) All applications shall include a certificate from an engineer licensed in Wyoming, that the tower and facilities comply with all applicable safety and building codes. In cases where existing structures are utilized, the certification shall include verification that the existing structure has been inspected and installation of telecommunication facilities will not impair the structural integrity upon which the telecommunication facility is installed.

(i) A landscaping plan, method of fencing, finished color and other stealth applications and aesthetic mitigation measures for towers, antennas, and equipment buildings.

(2) Applications for Construction of New Telecommunication Towers.

Applicants must provide:

(a) All applications for the construction of new telecommunication towers must contain all the information required in (1)(a)-(i) above.

(b) The location and owner/operator names of all other tower or antenna support structures within one mile of the proposed new tower location that could accommodate the applicant's antenna, and written evidence that the applicant has made diligent but unsuccessful efforts to install or co-locate its antenna and associated equipment on an existing tower or structure.

(c) Evidence that the applicant has made diligent but unsuccessful efforts to install or co-locate the proposed antenna and associated equipment on City- owned property.

(d) Written, technical evidence certified by an engineer licensed in Wyoming that the proposed tower, antenna, and associated equipment can not be installed or co-located on another tower or structure located within one mile of the proposed site and must be located at the proposed site in order to meet the coverage requirements of the applicant's system.

(e) All new tower construction shall include sufficient excess capacity over the initial loading to allow at least one additional telecommunication provider to use the tower where feasible and subject to reasonable terms.

(f) Each application for new tower construction shall include a certification from an engineer licensed in Wyoming that the construction and placement of the tower shall produce minimal signal interference with public safety communications and the usual and customary transmission

or reception of radio, television, or other communication services enjoyed by adjacent residential and non-residential properties.

(3) Term of Permit. After approval of a request to build a new tower or to locate facilities on an existing tower, the applicant shall proceed diligently to construct the facility and shall complete construction within 6 months of the date the application received its final approval. An applicant must petition the Department of Community Development to be allowed to continue its construction efforts beyond the 6 month period for an additional period of 6 months, when it is demonstrated that construction has been delayed by circumstances beyond the control or responsibility of the applicant. Unless the initial 6-month period is extended as provided herein, the approval shall lapse at the end of the initial 6-month period.

g. Facility Registration and Reporting. To enable the City to keep accurate, up-to-date records of the placement of telecommunication towers and facilities within City limits, at the time the work on the facility or tower is completed, and before operation begins, the owner/operator of the tower shall submit documentation to the City's Building Department providing:

(1) Certification in writing that the tower is structurally sound and conforms to the requirements of the City's Building Codes and all other construction standards set forth by the Gillette City Code, federal and state law by an engineer licensed in Wyoming. The tower owner may be required by the City to submit more frequent certifications should the City Engineer determine that the structural or electrical integrity of the tower may be jeopardized. The Engineering Certification must include an on-site physical inspection.

(2) The number of providers located on the tower, the type, frequency and use of any antenna located on the tower, and the name, address, and telephone number of any owner, if there has been a change of ownership of the tower.

(3) A registration fee in addition to any franchise fee paid by the owner or operator of the tower or facility, shall be paid to the City for all towers or facilities located within the City, and shall be submitted to the City's Community Development Department at the time of submission of the application.

(4) An annual registration payment, which shall be in addition to any franchise fee paid by the owner or operator of the tower or facility, for all towers or facilities located within the City shall be required and submitted to the City Clerk no later than July 1 of each year, and shall include a written certification stating that the data submitted pursuant to Subsection (1) above is current as of the date of payment, and if not current, stating any changes therein with appropriate certifications from an engineer licensed in Wyoming. If the owner does not fulfill the annual registration submission requirement or does not pay the annual registration fee, the tower shall be deemed abandoned and the owner shall remove such tower within 90 days of written notification. In the event owner shall fail to remove the tower as provided herein, the City shall have the right to enter said premises and remove the tower without further notice to owner, in which event, all removal costs shall be charged against the bond or security and the owner until satisfied.

(5) The City reserves the right upon reasonable notice to the owner/operator of the tower to conduct inspections for the purpose of determining whether the tower, equipment and/or related buildings comply with all provisions of this code, the applicable building codes or all other construction standards provided by local, state or federal law.

h. Abandoned or Unused Towers or Portions of Towers. Towers, which are not used for a period of 6 months or more, shall be removed by the owner within 90 days from date of written notification. Towers and grounds which are not maintained for a period of 6 months or more, as agreed to in the site plan, shall be removed by the owner within 90 days from date of written notification. To assure the removal of towers, which have not been maintained or have been abandoned, a performance bond, cash, letter of credit, or other approved security shall be submitted for each tower. The amount of the bond, cash, letter of credit, or other approved security shall be based on an estimated provided by a contractor licensed in the State of Wyoming, who shall estimate the cost of removing the tower. This estimation shall be provided in writing and submitted with the application. There will be a ten- percent contingency fee added to the contractor's estimate. In the event the owner shall fail to remove any tower not maintained or abandoned as provided above, the City shall have the right to enter said premises and remove such tower without further notice to owner, in which event, all removal costs shall be charged against the bond or security and the owner until satisfied.

i. Fees.

(1) All applicable fees shall be paid by all applicants for telecommunication service at time of application:

	Type of Fee		Cost
(1)	Application Fee		\$100
(2)	Registration Fee		\$50
(3)	Annual Registration Fee		\$50
(4)	Building Permit Fee		From \$5

(2) Additional fees may be required depending on the circumstances of a particular project and may include:

(a) A Fee for Use of City Property.

(b) Franchise Fee.

## SECTION 14. LANDSCAPING AND SCREENING STANDARDS.<sup>72, 82</sup>

### a. Purpose

The Landscaping and Screening Standards are designed to improve the appearance and design quality of the City of Gillette, encourage a more attractive environment along city streets, improve the city's quality of life, buffer potentially incompatible land uses from one another, improve the functionality and quality of site planning, improve storm water management, and increase the value of properties within the city. The Landscape and Screening provisions are further intended to expedite development approval by including predictable, uniform standards for landscaping that apply equitably to all developments and to provide for effective administration and enforcement, assuring that landscaping is properly installed and maintained. The Landscape and Screening provisions are also intended to support water conservation throughout the City through the use of xeriscape techniques and methods.

### b. Applicability

The provisions of this section shall apply to all new development within the R-1, R-2, R-3, R-4, MH, C-O, C-P, C-1, C-2, C-3, I-1, and I-2 districts on each lot or site upon application for a building permit, except for the following:

- (1) One or two-family residential development.
- (2) Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- (3) Remodeling, rehabilitation, or improvements to existing uses or structures that does not substantially change the location of structures, parking, or other site improvements.
- (4) Additions or enlargements to existing uses or structures that increase gross floor area or impervious coverage area by less than 20 percent established on the site on the effective date of this Ordinance. Where such cumulative additions or enlargements are between 20 and 50 percent, the required landscaped area shall be the corresponding percentage of the landscaped area that would otherwise be required for the development. For example, if the development adds 40% to either the gross floor area of the building or the impervious coverage area of the site, the required landscaped area shall be 40% of the landscaped area otherwise required for the development. This landscaped area shall be applied to the Street Landscape Border and the Streetyard. Where such cumulative additions are 50 percent or greater, no exceptions are allowed.

### c. Definitions

The following definitions apply to terms used frequently in this ordinance.

- (1) **Berm:** An undulation in terrain creating a landform that is higher than the surrounding grade, generally utilized for screening, wind protection, or aesthetic design purposes.

(2) Bufferyard: A landscaped area provided to separate and partially obstruct the view between two adjacent land uses or properties from one another.

(3) Deciduous tree: A tree that typically loses its leaves for part of the year.

(4) Evergreen: trees and shrubs that retain their foliage throughout the year.

(5) Landscaped area: That area within the boundaries of a given lot consisting primarily of plant materials, including but not limited to grasses, trees, shrubs, flowers, vines, ground covers, and other organic plant materials; or grass paver masonry units installed so that the appearance of the area is primarily landscaped. Certain non-living materials may be used within landscaped areas, but may not comprise more than 50% of the area of the required landscaped area, unless xeriscape techniques are being used.

(6) Minimum depth: The minimum required dimension extending from and typically perpendicular to a property line, extending into the private development site.

(7) Screening: A vertical construction, either vegetative or structural, that shields an area that has relatively high negative effects from the view of adjacent land uses or properties, or public property and rights-of-way.

(8) Stormwater management facilities: Facilities that contain runoff for temporary storage in major storm events. Detention facilities store water in a basin for a limited amount of time. Retention facilities store water in a basin for extended periods.

(9) Streetyard: The area of a lot or parcel that lies between any public street right of way/property line and the fronting walls of buildings on the parcel oriented to that street. The streetyard follows all irregularities, indentations, or articulations in the front wall of the building, excluding minor projections or indentations such as steps. For the purposes of defining the area of the streetyard, the front wall is extended from the outer corners of the building parallel with the fronting street, until intersecting the side property line. On lots with multiple buildings, the streetyard area is defined by all building front walls having direct, visual frontage to the street.

(10) Tree: A woody plant having at least one well-defined trunk or stem and a more or less definitely formed crown, usually attaining a mature height of no less than eight feet.

(11) Xeriscape: A landscape design technique that minimizes water consumption by using some or all of the following techniques: using low water demand plants; grouping plants by water demand or specific cultural characteristics; reducing turf areas or using turf materials that have low water demand; using mulches to cover soil and save moisture; using efficient irrigation layouts that zone plants that have specific watering needs; minimizing evaporation of water; and performing regular maintenance to maintain water conserving characteristics. This ordinance

encourages the use of xeriscape techniques and methods in order to conserve water throughout the City.

d. Landscape Plan Requirements

All applications for building permits covered by this Ordinance must submit a Landscape Plan that must be approved through the appropriate process before the development may proceed. The Landscape Plan is kept on file by the Public Works Department, and becomes part of the permanent record for the site. Certificates of Occupancy will not be issued, nor will the building be occupied, until the landscaping on the site complies with the Landscape Plan. The Community Development Director may approve a deferral of installation of some or all of the landscaping because of timing of project completion, provided that financial security is provided that assures installation of landscaping and screening, as set forth in Section 14d(3).

(1) Application Type, Review and Approval

Table 14.1 shows the type of landscape plan application, the review process and the approval process.

Table 14.1

Application	Review Role	Approval
All building plans specified in Section 14b that do not meet the thresholds for Development Plans.	Public Works Director, or their designee.	Public Works Director or their designee.
Any building plan that meets the requirements for a Development Plan	Public Works Director or their designee, who will make a recommendation to the Parks and Beautification Board	Parks and Beautification Board
Denial of any application		Any denial may be appealed to the Board of Adjustment

Development Plan: Definitions

Any project that meets one or more of the following:

1. Construction of two or more building on a zone lot.
2. A condominium development that contains 10 or more units on one or more structures on one or more zone lots.
3. Multi-family residential development containing 10 units within one structure on the same zone lot.
4. A commercial development with a gross floor area of 25,000 square feet or greater in one main building on the same zone lot.

(2) Landscape Plan Submittal Requirements



The Landscape Plan submitted for review is not necessarily a construction document, but must contain information complete enough to demonstrate the design of landscaping and associated features, and to provide a document detailed enough to be enforceable. The plan shall contain the following information at a minimum:

- (a) Drawings at a scale no smaller than 1 inch = 50 feet. Drawings shall include north arrows, scale, street address, street names, and the name and address of the person or firm preparing the plan.
- (b) Calculations of the entire site area, the area required for landscaping by this ordinance, including Street Landscape Borders, streetyards, public right-of-way, bufferyards, and perimeter and interior parking lot landscaping; and the required quantities of trees, shrubs, ground cover, and other materials required within these landscaped areas. The Landscape Calculations Table and Worksheet shall be obtained and filled out by the applicant and returned as part of the Landscape Plan submittal.
- (c) Overall site plan, indicating location of major site features, structures, parking, site circulation, public streets and rights-of-way, pedestrian circulation, site amenities, and other features.
- (d) Existing landscaped areas, including plant materials, location, size, species, and condition, and indication whether existing materials will remain or be removed.
- (e) Planting plan, including location of all materials, size, and scientific and common name of each plant material. The planting plan includes the location and type of all ground covers, including non-living materials, and all other landscape features and structures.
- (f) Location and design of all screening elements required by this ordinance.
- (g) Grading plan showing berms, landforms, and stormwater management facilities, with contours shown at no less than two-foot intervals.
- (h) A maintenance obligation statement, signed by the owner, defining responsibility for ongoing maintenance of specific areas, including public rights-of-way, private on-site improvements, and stormwater management facilities. The Maintenance Obligation Statement shall be provided to the Public Works Department at the time that the Landscape Plan is submitted.
- (i) A development obligation statement that establishes the responsibility of the developer or owner to install landscaping and irrigation according to these regulations. The

Development Obligation Statement shall be provided to the Public Works Department at the time of Landscape Plan submittal.

(3) Financial Security: Installation

All landscaping shown on the approved Landscape Plan shall be installed prior to the issuance of a Certificate of Occupancy. The Community Development Director or their designee may issue a provisional Certificate of Occupancy, permitting occupancy of the building prior to complete installation of landscaping, subject to all of the following provisions:

- (a) The installation fully complies with the Landscape Plan within twelve months of the effective date of the Certificate of Occupancy.
- (b) The developer or owner submits surety by performance bond, certificate of deposit, letter of credit, or other security approved in writing by the City Attorney satisfactory to the City in the amount of 150% of the value of a bona fide contract to install the landscaping and screening. Such contract shall be submitted to the City along with the surety at the time of application for the Certificate of Occupancy, and shall be reviewed and approved by the Community Development Director or their designee. If the developer or contractor is not responsible for the installation of required landscaping, the owner shall provide the necessary surety and the provisional Certificate of Occupancy shall be given in the name of the owner.
- (c) The developer or owner shall grant the City express written permission to enter upon the site to cause the installation of required landscaping and screening if this has not been completed within twelve months of the effective date of the Certificate of Occupancy.

(4) Financial Security: Maintenance

- (a) The owner of any development that requires approval of a Landscape Plan shall submit surety by performance bond, certificate of deposit, letter of credit, or other security approved in writing by the City Attorney satisfactory to the City in the amount of 100% of the value of a bona fide contract to purchase and replace all the living plant materials required for landscaping. Such contract shall be submitted to the City along with the financial security at the time of application for the Certificate of Occupancy, and shall be reviewed and approved by the Community Development Director or their designee.
- (b) The financial security shall remain in force for a period of 36 months from the date of completion of the landscape installation by the owner. The financial security shall be released if, at the end of 36 months, the City finds that all required landscaping is properly installed, maintained, and living.
- (c) The owner shall grant the City express written permission to enter upon the site to cause the installation, replacement, or maintenance of any required landscaping or screening that has not properly been installed or maintained by the owner during the

effective period of the financial security; and shall use the proceeds of the financial security to pay for such installation, replacement, or maintenance.

e. Landscaping Materials and Installation Standards

(1) Official List of Recommended and Prohibited Plant Materials

Plantings shall be used in any required landscaped areas consistent with the latest revision of *Trees and Shrubs of Gillette & Campbell County*, provided through the Public Works Department.

(2) Use of Non-Living Landscaping Materials

(a) No artificial trees, shrubs, plants or turf shall be used for landscaping.

(b) At least 50% of the area required for landscaping shall have a canopy cover of living plant material appropriate for xeriscape application. Xeriscape applications shall be designed to cover no less than 50% of the canopy cover with living materials within five years of installation. Living materials in xeriscape areas may include ground covers, shrubs, the spread of evergreens, or the crowns of deciduous trees. Non-living materials, such as stone, river rock, bark, wood chips, decorative pavers, and other materials may be used for the remainder of the area. Other concrete and/or asphalt pavement surfaces shall not be used within the minimum required landscaped area, except for driveways and walkways that provide access to parking areas or to building entrances.

(c) Scoria or limestone gravel shall not be permitted within any required landscape area.

(d) Loose rock or other loose non-living materials shall not be permitted within any required landscape area unless they are contained in such a way as to prevent their encroachment into parking areas, driveways, sidewalks, streets, or trails.

f. Street Yard Landscaping Requirements on Private Property

Landscaping shall be required on private property adjacent to each public street right of way/property line and shall extend to a minimum depth inward on private property as summarized in Table 14.2, except as otherwise provided.

(1) Street Landscape Border refers to the depth of landscaping required along the edge of a private property adjacent to the public right-of-way.

(2) If the building is more than 100 feet back from the public street right of way/property line, then the minimum streetyard area to be landscaped is calculated using the first 100 feet of the streetyard.

The accompanying illustrations describe the location of these streetyards for various contexts.

Table 14.2:  
Minimum Required Landscape Borders and Streetyards

Zoning District	Minimum Depth of Street Landscape Border	Streetyard A: Minimum % of area of first 100 feet of Street Yard to be landscaped
R-1, R-2	15 feet	30%
R-3	20 feet	50% for lots under 75 feet wide 55% for lots 75- 100 feet wide; 60% for lots over 100 feet wide
R-4	15 feet	50%
MH	20 feet	60%
C-O	Smaller of 15 feet or 15% of the depth of the lot.	25%
C-P	Smaller of 15 feet or 15% of the depth of the lot.	25%
C-1	Smaller of 10 feet or 10% of the depth of the lot.	25%
C-2	Requirements apply only for parking lots.	Requirements apply only for parking lots.
C-3	Smaller of 10 feet or 10% of the depth of the lot.	20%
I-1	10 feet for developments located on an arterial or collector as defined by the city's comprehensive plan or transportation plan.	No requirement
I-2	15 feet for developments located on an arterial or collector as defined by the city's comprehensive plan or transportation plan.	No requirement

(3) When streetyard landscaping is existing, it will be considered in the overall requirements of this ordinance. Each property will be evaluated on a case by case basis. When the landscaping exists on the public right of way, an owner may request a reduction in the amount of landscaping on private property and pay a fee-in-lieu.

g. Landscaping and Maintenance of Public Right-of-Way

These provisions apply to areas located in the public right of way between the back of the curb or edge of the pavement and the property line along streets designated as arterials or collectors in the City's Comprehensive Plan.

(1) The adjacent private property owner is responsible for landscaping and maintaining the public right of way from the back of curb to the property line, unless maintenance responsibilities are undertaken by the City of Gillette or the State of Wyoming.

(2) Landscaping of public rights-of-way will be consistent with all standards and regulations for materials and installation contained in this ordinance.

(3) Irrigated grass or ground covers will be the primary ground cover in public right-of-way areas. The same grass or ground cover treatment shall be used in adjacent public rights-of-way and Street Landscape Border areas addressed in this section.

(4) Up to 50% of the average depth of landscaped areas within public rights-of-way between the inside edge of the sidewalk or trail and the property line may be credited toward satisfaction of the required minimum depth for the Street Landscape Border, provided that:

(a) The depth of the Street Landscape Border on private property is no less than 50% of the minimum depth required by Table 14.2.

(b) The area of public right-of-way credited toward satisfaction of Street Landscape Border requirements is landscaped in accordance with the requirements for the Street Landscape Border, set forth in Section 14(g)(1). These requirements are in addition to plantings otherwise required for public rights-of-way by Section 14(k)(3).

(c) This credit shall not permit a reduction in the total amount of streetyard landscaping required in Table 14.2.

h. Bufferyard Landscape Requirements

(1) These provisions apply when a use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner of the use within District A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 14.3. Bufferyards are not required of any single-family, 2-family, duplex, or townhouse development, regardless of the zoning district in which it is located.

(2) The bufferyard dimensions set forth in Table 14.3 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.

Table 14.3: Minimum Required Bufferyards

	District B (Less Intensive Adjacent Zoning District)		
District A (More Intensive Zoning District) Note 1	A	R-R, R-S R-1, R-2	R-3, R-4, M-H, E-MH
R-3	---	10% of lot depth between a minimum of 10 feet and a maximum of 20 feet for multiple-family and permitted non-residential uses	---
R-4	---	10% of lot depth between a minimum of 10 feet and a maximum of 20 feet for multi-family and permitted non-residential uses	---
M-H	---	20 feet	---
C-O	10% of lot depth between a minimum of 10 feet and a maximum of 20 feet	10% of lot depth between a minimum of 10 feet and a maximum of 20 feet	---
C-P, C-1	10% of lot depth between a minimum of 10 feet and a maximum of 20 feet for non-residential uses	10% of lot depth between a minimum of 10 feet and a maximum of 20 feet for non-residential uses	10% of lot depth between a minimum of 10 feet and a maximum of 20 feet for non-residential uses
C-2	0	0	0
C-3	15% of lot depth between a minimum of 15 feet and a maximum of 30 feet.	15% of lot depth between a minimum of 15 feet and a maximum of 30 feet.	15% of lot depth between a minimum of 15 feet and a maximum of 30 feet.
I-1	20% of lot depth between a minimum of 20 feet and a maximum of 40 feet.	20% of lot depth between a minimum of 20 feet and a maximum of 40 feet.	20% of lot depth between a minimum of 20 feet and a maximum of 40 feet.
I-2	25% of lot depth between a minimum of 25 feet and a maximum of 50 feet.	25% of lot depth between a minimum of 25 feet and a maximum of 50 feet.	25% of lot depth between a minimum of 20 feet and a maximum of 50 feet.

Notes to Table 14.3:

*Note 1:* Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in any District.

(3) When an alley separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 14.3.

(4) Each required bufferyard must be entirely landscaped in accordance with the provisions of Section 14e, and otherwise free of paved areas, access ways, storage, or other disturbances.

i. Screening Standards

(1) Application

Screening is required, in addition to the Bufferyard landscaping requirements, between adjacent zoning districts indicated in Table 14.3 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces either the boundary of the less intensive zoning district or a public street:

- (a) Outdoor storage areas or storage tanks,
- (b) Loading docks, refuse or trash collection points or dumpsters, and other service areas.
- (c) Major machinery or areas housing a manufacturing process.
- (d) Major on-site traffic circulation areas or truck and/or trailer parking.
- (e) Sources of glare, noise, or other environmental effects.
- (f) Bailing or stockpiling of cardboard or other shipping or packaging materials.

(2) Screen Design

A screen of at least six feet in height, including walls, fences, berming, or landscaping shall be provided that prevents direct visibility of the conditions listed above from less intensive uses or public streets. The screen may include the following:

- (a) A wood, brick, stone, concrete masonry, PVC, stucco, or concrete fence or wall at least six feet in height, with a minimum opacity of 75%. Chain link fencing or chain link fencing with slats are not acceptable for purposes of screening.

- (b) A vegetative screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within four years of planting.
  - (c) An alternative vegetative screen that provides two overstory deciduous trees and four evergreen trees per 100 linear feet of property line.
  - (d) A landscaped earth berm with a maximum slope of three to one, which, if used alone, rises to no less than six feet above the existing grade of the lot line separating the zoning districts.
  - (e) Any combination of these methods that achieves a cumulative height of six feet.
- (3) Screening shall not adversely affect surface water drainage.
  - (4) The finished side of any fence or wall providing screening shall always be oriented toward the public street or adjacent property.
  - (5) As part of an approved landscaping plan, the Community Development Director his/her designee, the Parks Board, or the Planning Commission may credit continuous screening along the common property line toward the reduction of the Bufferyard Requirements established in Section 14h. The maximum reduction shall be 50% of the depth of the required bufferyard.
  - (6) Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

j. Parking Facility Landscaping

Landscape and Screening Requirements

Unless otherwise noted, each parking facility shall comply with the following regulations:

- (1) Each parking lot shall provide a minimum landscaped buffer of ten feet along any street property line.
- (2) Each parking structure shall be considered a structure and subject to the setback and landscaping requirements for its respective zoning district.
- (3) Each parking facility that abuts a residential district without an intervening street or alley shall provide a ten foot landscaped buffer along its common property line with the residential district.
- (4) Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than six feet in height, but otherwise compliant with the provisions of Section 14i, for the length of the common boundary. A grade change, terrace, or other



site or design feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Community Development Director or their designee.

(5) Each unenclosed parking facility of over 6,000 square feet shall provide interior landscaped area which totals no less than 5 percent of the total paved area of the parking facility. No more than 40 spaces may be provided in a single row of parking without an intervening landscape bed or island. Landscape beds may also be used to define pedestrian or vehicular traffic flows within the lot. The minimum size of an individual landscape bed or landscaped island shall be 8 feet by 17 feet, or 150 total square feet. Parking facilities within the I-1 and I-2 Districts shall be exempt from any interior landscaping requirement. Licensed automobile dealerships are not considered to be unenclosed parking facilities for the purposes of this ordinance, and therefore do not require interior landscaping as set forth in this section.

(6) Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in this section.

k. Planting Requirements: Trees and Shrubs

This section establishes the minimum number of trees and shrubs required in each of the landscape situations set forth by this ordinance.

(1) Street Landscape Border (Table 14.2): One deciduous tree and five shrubs; one deciduous tree and one evergreen tree; or 1.5 deciduous trees for each 500 square feet of required area.

(2) First 100 feet of Streetyard Landscaping (Table 14.2): One deciduous tree and five shrubs; one deciduous tree and one evergreen tree; or two deciduous trees for each 1,000 square feet of required area. All landscaping within the Street Landscape Border shall be credited toward satisfying this requirement.

(3) Public Arterial and Collector Rights-of-Way: One tree for every 50 linear feet of right-of-way. At least 50% of all trees planted shall be deciduous trees.

(4) Bufferyard Landscape Border (Table 14.3): One deciduous tree and two evergreen trees for each 1,000 square feet of required area. Vegetative screens shall be credited toward satisfaction of this requirement.

(5) Parking Lot Peripheral and Bufferyard Landscaping: One deciduous tree and five shrubs; one deciduous tree and one evergreen tree; or two deciduous trees for each 500 square feet of required area.

(6) Parking Lot Interior Landscaping: One deciduous tree for each 20 parking spaces within the parking lot.

l. Material Specifications: Trees and Shrubs

- (1) All trees and shrubs planted in satisfaction of these regulations shall be healthy specimens of species recommended by the latest revision of *Trees and Shrubs of Gillette & Campbell County*. Landscaping shall be installed consistent with sound horticultural practice.
- (2) The size and characteristics of plant and other required landscaping materials at the time of installation shall be as follows:
  - (a) Deciduous trees: minimum of one and one half (1 ½) inch caliper measured six inches above the ground.
  - (b) Evergreen trees: minimum height of 5 feet.
  - (c) Evergreen and deciduous shrubs: minimum height of 12 inches.

Trees in excess of required quantities are not subject to these minimum size requirements.

Drought tolerant tree and shrub species are encouraged to be planted.

m. Material Specifications: Ground Covers

- (1) Grasses and other living plants will be the primary ground covers in landscaped areas, except xeriscape areas. Sod planting and seeding are both acceptable. Sod or hydroturfing must be planted in public rights-of-way and Street Landscape Borders along streets designated as arterials or collectors in the City of Gillette's comprehensive plan.
- (2) Drought-resistant grasses are encouraged in landscaped areas. Grasses shall be free of weeds and debris, and shall not present a fire hazard.
- (3) Ground covers other than grass may be used, but must provide complete coverage within two growing seasons. Vines and other plants that could present hazards shall not be planted adjacent to sidewalks, sidepaths and trails, or other pedestrian areas.
- (4) Mulches and other inorganic ground covers may be installed, provided that they do not comprise more than 50% of the required landscaped area, except in xeriscape applications. All such covers shall be installed to a minimum depth of three to four inches and shall be placed on soil, a water-permeable geo-textile fabric, or similarly performing base material. Solid sheet plastic shall not be used beneath mulch areas. Lightweight materials, including bark, wood chips and small aggregates, shall not be used in areas that are exposed to high winds.
- (5) Ground cover and vines shall be planted in a minimum 1-gallon container size, unless a higher quality can be produced by a smaller container size with tighter clustering of plantings.

n. Maintenance Requirements

(1) All plantings shall be maintained in a healthy and attractive manner by the property owner of record, the property owners' agent or tenant, or other association or organization that has assumed responsibility for landscape maintenance. Maintenance shall include, but not be limited to, watering, weeding and weed control, fertilizing, cleaning, pruning, spraying and pest control, mowing, and trimming of materials, and replacement of dead materials to remain in conformance with this ordinance and the approved landscaping plan.

(2) Dead plant materials shall be removed as soon as practical and replaced by materials that meet the requirements of the approved landscaping plan at the soonest appropriate planting period. Removal and replacement shall be completed in no longer than one growing season. Failure to do so shall be considered a violation of the Landscape Plan and shall be subject to the remedies set forth in Section 14d(4).

(3) Non-living landscape materials used as ground cover that no longer cover the area in which they were originally deposited shall be replenished and maintained to achieve full coverage with a minimum depth of four inches.

(4) Failure to replace dead landscape materials or to maintain required landscaping shall be considered a violation of approval of the landscaping or development plan, and shall be subject to penalties set forth under Section 5e of the City of Gillette's Zoning Ordinance.

o. Irrigation

(1) All required landscaped areas, including adjacent public rights-of-way covered under this ordinance, shall have an underground irrigation system. Xeriscape areas may use alternate methods, see section p. Xeriscape.

(2) Irrigation systems shall meet the following criteria:

(a) An automatic evapotranspiration controller shall activate the system, both spray and drip irrigation are acceptable.

(b) The system shall provide sufficient coverage to all required landscaped areas.

(c) The system shall minimize spray on impervious surfaces such as sidewalks, streets, parking areas, and trails.

(d) All systems shall be equipped with a city-approved backflow prevention device.

(e) Irrigation systems that use recycled water may be permitted.

p. Xeriscape

(1) Xeriscape areas may use alternate forms of irrigation, if part of an approved xeriscape plan. Irrigation requirements for xeriscape areas are discussed in (4)(f) below.

(2) Approved xeriscape areas may exceed the 50% limit on non-living landscape materials. To be credited toward satisfaction of city landscaping requirements, a xeriscape area must be designed to cover no less than 50% of its canopy cover with living materials within five years of installation. Living materials may include ground covers, shrubs, the spread of evergreens, or the crowns of deciduous trees.

(3) Xeriscapes may be used within the Street Landscape Border only if they are separated from a landscaped public right-of-way by a sidewalk or bicycle path.

(4) In approving an area as a xeriscape area, the city may apply all or some of the following criteria:

(a) Analysis of the site considering such factors as slopes, drainage, winds, and existing and proposed site improvements.

(b) Design quality of the installation and appropriateness to the site's specific setting and proposed improvements.

(c) Use of appropriate techniques for soil improvement.

(d) Use of low water demand or drought resistant grasses and plant materials.

(e) Use of mulches and other ground covers that cover soil, save moisture, and reduce weed growth.

(f) Use of appropriate type of irrigation for each area of the landscape. Trees and shrubs in low water-use zones may require water only during periods of limited rainfall when they show signs of stress. For these plants, a temporary system such as a soaker hose or hand watering may be all that is required. On the other hand, medium and higher water-use zones require more frequent watering and may warrant a permanent drip system with automatic controls.

(g) Quality of the maintenance plan, including proper weeding, fertilization, pruning, mulch replacement, and watering.

q. Planting Area Restrictions

(1) Sight Clearance Triangle (SCT): No landscaping or other materials that attain a height of more than three feet shall be planted within a sight clearance triangle (SCT). The SCT is defined in Section 15qqq of this Zoning Ordinance.

(2) Setbacks from Moving Lanes

(a) No trees or major landscaping should be established in area programmed for future widening or right-of-way acquisition by the City of Gillette's adopted Transportation Plan, Comprehensive Plan, or Capital Improvements Program; or the Wyoming Department of Transportation's Six Year Plan.

(b) No landscaping that attains a height over 36 inches shall be installed within six feet of a moving traffic lane.

## SECTION 15. PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS.<sup>78</sup>

a. Purpose: The purpose of the Planned Unit Development Zoning District is to allow and encourage innovative approaches to site planning and land development. A Planned Unit Development (PUD) is a professionally planned residential, commercial or industrial project or a project with an integration of mixed uses that fosters design flexibility and compatible diversity in a single project site. The PUD allows a means by which parcels of land may be developed with more variety of land uses and diversity in site development than is possible under the existing conventional zoning. The PUD District is intended to promote the development of compatible land uses consistent with the Comprehensive Plan, facilitate the development of efficient streets and utility infrastructure, preserve natural and scenic features, reservation of common areas and open space and allowing for flexibility in the development of land while preventing a negative impact to the surrounding areas or the community.

A PUD District may be proposed as a substitute district for any existing zoning district and may be initiated by the landowner or the City. The PUD process involves both a change in zoning and approval of PUD Plat. A PUD may be proposed for residential, business or industrial purposes or a combination of residential/business or business/industrial purposes.

There is no minimum district area requirement for a PUD provided that the Planning Commission and City Council find that the proposed PUD is of adequate size to be free-standing and self-sufficient and complies with the Purpose and Design Standards and Review Criteria based on the project specific development information provided.

### b. Design and Review Criteria

Applications for Planned Unit Development (PUD) shall be reviewed and evaluated for compliance with the general purpose stated above and the following requirements and design standard criteria:

(1) Project is compatible with the goals and policies of the Comprehensive Plan and other adopted plans and policies;

(2) Project is compatible with the area surrounding the project site and places no greater demand on existing city facilities and services than can be furnished by the City;

(3) Proposed traffic impact does not exceed the planned capacity of existing or proposed street network serving the general area unless specific mitigation measures are incorporated in the design of the PUD to alleviate the impact.

(4) The proposed PUD places no unreasonable burden on schools, fire, police or other public facilities.

(5) The total development can exist as an integrated whole and is designed and developed under control of one owner, partnership, corporation, agency or other legal entity; satisfactory evidence of ownership of all property must be provided.

(6) The project promotes the efficient use of land by means of a more economical arrangement of buildings, circulation systems, land uses, densities and utilities and other site designs.

(7) The project efficiently integrates useable open space into the overall project design.

(8) The project demonstrates flexibility and quality in design to permit diversification in location, type and uses of structures by creating a compatible mixture of uses, density, characteristics or creative design;

(9) The project combines and coordinates architectural styles, building forms and building relationships within the development and in concert with adjacent and surrounding land and developments;

(10) The project minimizes adverse impact on adjacent zoning districts and land uses by limiting building heights, provides screening and/or adequate buffering.

(11) The project preserves and utilizes where possible, existing landscape features and amenities and encourages the harmonious combination of such features with structures and other improvements;

(12) If the PUD is developed in phases, each phase within the PUD shall be self-sufficient and not dependent on later phases to meet any of the requirements so that failure to proceed to subsequent phases will not have any adverse impacts on the PUD, adjacent or surrounding property or the community in general.

(13) The PUD provides streets adequate in width and pavement type and circulation pattern to carry the quantity and kind of traffic generated by the proposed uses.

(14) The project provides satisfactory evidence in the form of covenants, restrictions, association membership requirements and financial capacity and funding mechanism to insure, operate and maintain the private common elements within the PUD.

c. Project Specific Development Standards

All applications for a PUD must provide detailed responses, answers or drawings to all of the following sixteen (16) questions. In addition, the PUD will also be reviewed and evaluated for compliance and compatibility with the Design and Review Criteria listed in the preceding section. The PUD will be reviewed and a recommendation formulated based upon the responses, answers, drawings and information provided by the applicant for each PUD.

(1) Permitted Uses – state the Permitted Uses allowed in the underlying base zoning district(s) that the PUD intends to allow.

(2) Additional Uses- state specific additional uses other than those listed in (1) above being requested by Applicant.

(3) Minimum Lot Size – state minimum lot size requested by applicant.

(4) Maximum Lot Size – state maximum lot size requested by applicant.

(5) Maximum Height of Structure – state maximum height requested by applicant.

(6) Building Lot/Site Coverage- state the maximum building footprint per lot allowed and the maximum site coverage that can be occupied by buildings.

(7) Minimum Setbacks on front, side and rear yards

Exterior – state the yard requirements for the underlying zoning district in which the PUD is located. The underlying zoning district’s setback requirements shall apply to all exterior boundary lines of the site.

Interior - as requested by applicant and approved by Planning Commission provided that a minimum distance of ten (10’) feet is maintained between detached structures.

(8) Project Specific Unique Development or Design Standards – Applicant shall state any specified unique attributes proposed by the applicant for this PUD to be considered by Planning Commission with attention to any architectural or aesthetics standards that would be enforced through covenants or restrictions.

(9) Landscaping, Buffering and Screening Standards

Exterior – all exterior yard areas on the exterior boundary of the site shall provide landscaping, buffering and screening as required by the City Landscaping Ordinance. A Landscaping Plan must be submitted for review and approval as part of the PUD Plat.

Interior – all interior landscaping, buffering or screening shall be briefly described and shown in detail on the required Landscaping Plan submitted as part of the PUD Plat by the applicant for review and approval by Park Board and Planning Commission.

Interior lighting – describe the type and location of all interior lighting

(10) Area Designated for Common Open Space and Facilities – as requested by applicant and approved by Park Board and Planning Commission. Where private open space for park or recreational purposes is proposed it shall comply with the requirements of Section 8 h. (1) – (5) of the City of Gillette Subdivision Regulations. All areas intended as Common Open Space and/or Facilities shall be designated on the PUD Plat as well as a description of ownership and maintenance.



(11) **Signage Requirements** – a uniform signage system shall be proposed by the applicant. All proposed signage shall be described as part of the PUD application material. Two Center Identification Signs may be allowed by the Planning Commission provided the Center Identification Signs comply with the height and area size requirements as specified for Center Identification Signs in the Section 10 of the Zoning Ordinance. All signage attached to building shall comply with Section 10 of the City Sign Regulations governing Building Signs.

(12) **Off-Street Parking Requirements** – The applicant shall provide adequate off-street parking to support the intended use. The proposed parking shall be included on the PUD Plat. Section 9 of the City Zoning Ordinance shall be used as a guide in determining the amount of required off-street parking. The Planning Commission shall review the applicant's proposed parking plan and must approve all proposed parking.

(13) **Proposed Ownership of Common Areas and Facilities** – All areas proposed for common open space must be described and included on the PUD Plat. The description shall include a breakdown of the total acreage and specific use. A description of the development schedule and the intended mechanism for the ownership and maintenance responsibilities of all common areas must be included.

(14) **Site Access and Street Standards**

Site Access – The PUD must provide adequate vehicular and pedestrian access to and within the site. A traffic impact analysis will be required to be submitted to project traffic impact generated by the uses proposed. Improvements required to streets adjacent to the proposed PUD, resulting from the traffic impact generated by the PUD, will be required to be mitigated by the applicant as a condition of approval of the PUD.

Public Streets – all interior streets intended for acceptance by the City for ownership and maintenance shall comply with City Design and Construction Standards for public streets.

Private Streets - all interior streets intended for private ownership and maintenance shall comply with City Design and Construction Standards for private streets. The proposed description and mechanism for ownership and maintenance of private streets shall be detailed.

(15) **Water and Sewer and Drainage Infrastructure** – The PUD shall provide details on the internal layout of all water and sewer infrastructure including the sizing and location of all mains. All water, sewer and storm water mains shall be designed to City standards and dedicated to the City for ownership and maintenance. All water, sewer and storm water mains shall be in utility easements dedicated to the City. Drainage and storm water infrastructure shall be sized based on a required drainage study and adequate detention and control of drainage and storm water provided. Ownership and maintenance of drainage areas may be either private or public.

(16) **Phasing Plan** – applicant is to describe the phasing plan for the PUD if it will not to be developed as a single action.

d. PUD Review and Approval Process

All applications requesting establishment of a PUD District shall be considered an amendment to the Official Zoning Map of the City and shall be processed in accordance with the regulations governing zoning amendments. PUD applications include the processing of a zoning change and approval of PUD Plat. No PUD is approved unless both the PUD zoning district designation and PUD Plat is approved by the City Council in the form of an ordinance and plat. The PUD Plat is to be recorded in the records of the County Clerk.

(1) Concept Plan/ Sketch Plan

While not mandatory, the applicant is strongly advised to submit a concept or sketch plan and basic description of the proposed project in sufficient detail for the staff and Planning Commission to provide meaningful feedback and identify potential problems before expenses are incurred in the preparation of a preliminary PUD Plat. Comments or recommendations provided during the concept stage are tentative only, subject to modification as a result of information provided during later staff review or public hearing stages.

(2) Proposed Open-space, Common Areas and Landscaping Plans

Applicants are required to schedule a meeting with the Parks Board for review and approval of their proposed open-space, common areas and landscaping plans prior to the Planning Commission taking action on a Preliminary PUD proposal.

(3) Preliminary PUD Plat and Draft Ordinance

All applicants for a PUD are required to submit a complete preliminary PUD plat application package, on forms provided by the Department of Community Development. A Planned Unit Development application consists of Preliminary PUD Plat and Draft Ordinance that describes the project goals and detailed responses to the Specific Development Standards section. The Preliminary PUD Plat and Draft Ordinance will be reviewed for completeness and compliance and scheduled for review and action by the Planning Commission.

(4) Final PUD Plat and Ordinance

After review and approval by the Planning Commission of a Preliminary PUD Plat and draft Ordinance, an applicant can file a Final Planned Unit Development application consisting of a PUD Plat and Ordinance that is in compliance with the approved Preliminary PUD Plat and Draft Ordinance. The Planning Commission will review and recommend approval of the PUD Plat and Ordinance if it is in substantial compliance with the approved Preliminary PUD Plat and Draft Ordinance. Final PUD Plats and Ordinance are forwarded to the City Council for official approval.

A planned unit development may be final platted in phases. The final plat or plats of the planned unit development shall conform substantially to the approved preliminary plat and stated phasing

schedule for the planned unit development. Only that area covered by the Final PUD Plat will have the PUD district designation established.

(5) Council approves PUD Plat and Ordinance

Once the Council approves a PUD Plat and Ordinance, the PUD Zoning District is established and the PUD Plat may be filed at Courthouse. The approved Final PUD Plat and Ordinance controls the issuance of building permits. The PUD must be developed in accordance with approved PUD Plat Ordinance. The PUD development is subject to the same 18 month completion time frame from date of Council approval and posting of financial security guaranteeing completion of required infrastructure as a conventional subdivision plat as described in the City of Gillette's Subdivision Regulations. The PUD Plat does not take effect until it is recorded in the records of the Campbell County Clerk.

e. Content of a PUD Submittal

In addition to providing the required response to the sixteen (16) questions detailed in Specific Development Standards, a complete PUD application submittal will include a PUD Plat and Landscaping Plan.

f. Preliminary PUD Plat: The following information and data is required:

(1) Preliminary PUD plats shall be submitted with twenty-four (24) blackline copies to the Department of Community Development. The preliminary plat shall consist of a drawing, or drawings, and accompanying material and information, as prescribed by these regulations.

(2) The preliminary PUD plat drawing shall be prepared at a scale of 1"=100', or larger. The face of the drawing shall contain the following information:

(a) the name of the planned unit development; the name shall not duplicate or too closely resemble the name of any PUD previously filed in the County;

(b) date of preparation, scale and north arrow; the top of each street shall represent north wherever possible;

(c) a vicinity map drawn at a scale of 1"=1,000' or 1"=2,000' showing the location of the proposed PUD in the City and its relationship to surrounding development;

(d) the names, addresses and phone numbers of the developer or subdivider, and the individual or firm responsible for the preparation of the preliminary PUD plat;

(e) a legal description of the PUD boundary;

(f) the boundary lines of the PUD in a heavy, solid line and referenced to section or quarter-section lines;

(g) a description of all monuments, both found and set, which mark the boundary of the PUD, and a description of all control monuments used in the survey;

Engineer; (h) existing contours at an interval of two feet (2'), unless waived by City

(i) general location and extent of any significant, natural features, such as wooded areas, streams, drainage ways or lakes;

Engineer; (j) floodplains, as delineated on maps available in the office of the City

(k) location, dimensions and names of existing roads, streets, alleys, railroad rights-of-way and structures within, and within one hundred feet (100') immediately adjacent, showing how they relate to the proposed PUD layout;

(l) location, size and grades of existing sewers, water mains, gas lines, pipelines or other underground utilities or installations, within the proposed PUD, or immediately adjacent thereto;

(m) location and dimensions of all easements of record;

(n) existing zoning and land use of proposed PUD and immediately adjacent areas;

(o) location and width of proposed streets, alleys, pedestrian ways and easements;

(p) layout, numbers and approximate dimensions of proposed lots and blocks;

(q) location, dimension and size in acres of all sites proposed to be used for commercial, industrial, multi-family residential, public or quasi-public use, with the use noted; and,

(r) a summary of the total number of acres, number of lots, acreage of residential, commercial or industrial areas, acreage of open space, amount of land in rights-of-way and other descriptive material useful in reviewing the proposed PUD;

(3) The following required information and material shall be a part of any preliminary PUD plat submittal and shall accompany the preliminary plat:

(a) payment of the total amount of the preliminary PUD plat fee;

(b) a statement explaining how and when the subdivider proposes to install water, sewer, paving, sidewalks, drainage ways and other required improvements;

(c) a statement describing the development and maintenance responsibility for any private streets, ways or open spaces;

(d) the recommendations of a qualified, professional engineer regarding soil suitability, erosion control, sedimentation and flooding problems;

(e) a description of the phasing and scheduling of phases for the development, if the final PUD plat is to be submitted in separate phases;

(f) a petition for annexation to the City of Gillette, if the land to be included in the PUD is contiguous to and, either by itself or as part of a larger tract, is completely surrounded by the boundaries of the City;

(g) the names and addresses, from the records of the Campbell County Clerk, of all owners of subdivided land and unplatted land contiguous and immediately adjacent to the boundary of the proposed PUD;

(h) a PUD application, on standard forms provided; and,

(i) a completed PUD preliminary plat checklist, on standard forms provided.

(4) Landscaping Plan: The details and content of the Landscaping Plan are described in the City of Gillette's Landscaping Ordinance.

(5) Character: A brief written explanation of the character of the planned unit development, the reasons why it needs the flexibility of the planned unit development regulations, how the PUD affects the property, and how it accomplishes the purposes of the planned unit development regulations. The explanation shall include a description of the nature, kind, character, timing and the extent of all the public and private improvements to be constructed.

(6) Preliminary engineering: Engineering in sufficient detail which will convey the general basis of design of the sanitary sewer, water, storm water control, flood control and street facilities. Engineering requirements are detailed in the City Design and Construction Standards.

(7) Preliminary Impact studies:

(a) School impact study: Provide information on the student load and impact on the local school district,

(b) Traffic analysis: Provide information on the adequacy of the local transportation and thoroughfare system to handle anticipated traffic volumes generated by the planned unit development. Also, an analysis should be provided on the adequacy of the internal vehicular circulation pattern.

(c) Infrastructure analysis: Provide information on the adequacy of the local utility infrastructure system to handle anticipated demand generated by the planned unit development. Also, an analysis should be provided on the adequacy of the internal infrastructure system.

(8) Covenants: Draft agreements, provisions or covenants that will govern the use, maintenance and continued protection of the planned development and any of its common open space. Covenants shall be submitted, reviewed and comments as to the adequacy provided by the planning commission.

g. Final PUD Plat:

(1) After approval of the preliminary PUD plat, a final PUD plat may be prepared and submitted. The final PUD plat shall be prepared and certified as to its accuracy by a registered land

surveyor licensed to do such work in the State of Wyoming. The final PUD plat and required supporting material shall conform to the design and engineering standards set forth in these regulations and to any conditions of approval specified by the Planning Commission.

(2) Final platting may be accomplished in phases covering reasonable portion of the area of an approved preliminary PUD plat. When this is done, each phase of the final PUD plat shall contain a vicinity map showing the location of the portion being submitted, in relationship to the area for which the preliminary plat was submitted. All final PUD plats so submitted shall be of the same scale; shall have identical titles, legends and other information; and shall have match lines, so that mosaics of the entire PUD can be assembled. Each phase shall be numbered according to the sequence in which it is to be recorded. Each phase of the PUD shall be as nearly self sustaining and complete as possible, and shall itself, or in conjunction with previous phases, meet the design standards set forth in these regulations, so that if development of the entire PUD is interrupted or discontinued after one (1) or more phases is completed, a viable development will result.

(3) The final PUD plat shall be clearly and legibly drawn on mylar. Required affidavits, certificates and acknowledgments shall be legibly printed on the plat. The sheet size of all final PUD plats shall be twenty four inches (24") high by thirty six inches (36") wide. Information on the plat shall be positioned so that a one and one-half inch (1½") margin remains on the left side of the sheet, and a one-half inch (½") margin is left on the three (3) remaining sides. The scale of the final plat shall be 1"=100', or larger. Each sheet of the final plat shall be numbered, and the total number of sheets comprising the plat shall be stated on each sheet (e.g., Sheet 2 of 4). The relationship of one (1) sheet to the other shall be shown by key maps and by match lines.

(4) The original mylar, one (1) reproducible 8 ½" x 11" copy and twenty-four (24) blackline prints of the final plat and two (2) copies of all required supporting material shall be submitted to the Department of Community Development in accordance with the Departments submittal schedule.

(5) The submitted, final PUD plat shall contain the notarized signatures of the owner or owners, mortgagees or others with an equitable interest in the land and the signature of the registered land surveyor. In the case of a corporate owner or mortgagee, the corporation seal must be affixed to the final plat.

(6) All final PUD plats shall include the following information on the face of the plat:

- (a) the name of the PUD at the top center of each sheet;
- (b) general location of the PUD by section, township, range, county and state, entered under the name of the subdivision;
- (c) north arrow, date and scale;
- (d) boundary lines of the PUD in a heavy, solid line;
- (e) legal description of the PUD boundary, based on an accurate traverse, giving angles and linear dimensions that result in a maximum, allowable error of closure of one (1) part in ten thousand (10,000);
- (f) the location and description of the point of beginning and its proper reference to the monumented boundary survey;
- (g) location and description of all monuments;

(h) bearings, distances and curve data of all perimeter boundary lines indicated outside of the boundary lines;

(i) on curved boundaries and on all curves within the plat, sufficient data to allow the reestablishment of the curves on the ground;

(j) the location and layout of lots, blocks, tracts, streets, alleys, easements and other public grounds within and immediately adjoining the plat, with accurate dimensions in feet and one-hundredths of feet, interior angles, length of radii and/or acres of all curves;

(k) drainage easements and drainage detention areas, clearly labeled as such, and a note indicating the manner in which storm drainage detention is to be accomplished within the subdivision;

(l) the names of all streets;

(m) all lots and blocks, logically and consecutively numbered in the center of the lot or block;

(n) all dimensions shown on irregularly shaped lots;

(o) parcels completely or partially surrounded by the area being subdivided be clearly marked "EXCEPTED", and the common boundary with the subdivision shown in a heavy solid line with bearings and distances;

(p) a notation of the total acreage of the PUD and the total number of lots, and a breakdown of total acreage for street rights-of-way, parkland, open space, drainage detention or other public areas;

(q) a signed and notarized certificate by all parties having any titled interest or lien upon the land, consenting to the recording of the PUD plat and dedicating public ways, grounds and easements. All signatures shall be in permanent, black ink.<sup>7</sup> The certificate shall read:

Know all men by these presents that the undersigned (official name of subdivider), being the owner, proprietor or parties of interest in the land shown on this PUD plat, do hereby certify:

That the foregoing PUD plat designated as (name of subdivision or addition), is located in (Section, Township, Range, City, County, State), and is more particularly described as follows:

(Insert full, legal description)

and contains an area of \_\_\_\_\_ acres, more or less, and

That this PUD, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s); and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements.

That the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Gillette and its licensees for perpetual public use, streets, alleys, easements and other public lands within the boundary lines of the plat, as indicated, and not already otherwise dedicated for public use. Private streets, alleys, easements, common areas as indicated on this Plat are not dedicated to the City and remain the responsibility of private landowner.

Public utility easements, as designated on this plat, are hereby dedicated to the City of Gillette and its licensees for perpetual public use, for the purpose of installing, repairing, reinstalling, replacing and maintaining sewers, water lines, gas lines, electric lines, telephone lines, cable TV lines and other forms and types of public utilities now or hereafter generally utilized by the public.

(On plats containing drainage easements, add:)

Public drainage easements, as designated on this plat, are hereby dedicated to the City of Gillette and its licensees for public use, to accommodate the flow or storage of storm waters and shall be kept free of all structures or other impediments.

(Individuals, where applicable, should add:)

All rights under and by virtue of the homestead exemption laws of the State of Wyoming are hereby waived and released.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, A. D., 19\_\_\_\_, by:

\_\_\_\_\_  
(designation of interest:  
owner, mortgagee, etc.)

STATE OF WYOMING       )  
  ) ss.  
CAMPBELL COUNTY       )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19 \_\_\_\_, by \_\_\_\_\_, as a free and voluntary act and deed.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(On plats containing mortgagees, add:)

The undersigned \_\_\_\_ (name of mortgagee)\_\_\_\_, hereinafter MORTGAGEE, holds a mortgage in and to the property embraced by this PUD plat, which mortgage was filed with the Clerk of Campbell County and Ex-Officio Recorder of Deeds at Book \_\_\_\_\_ of Photos, at Page \_\_\_\_\_. MORTGAGEE, by his signature on this plat, consents to the dedications made herein and specifically releases all streets, alleys, parks, easements, open spaces and



other areas dedicated to the City of Gillette for public use, as listed and described on this plat from the aforementioned mortgage.

(r) certificate of a registered land surveyor, as follows:

I, \_\_\_\_\_, do hereby certify that I am a registered land surveyor, licensed under the laws of the State of Wyoming, that this plat is a true, correct and complete PUD plat of (PUD Name)\_, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements and streets of said subdivision as the same are staked upon the ground in compliance with City of Gillette regulations governing the subdivision of land.

\_\_\_\_\_  
Registered Land Surveyor  
No. \_\_\_\_\_

(s) certificate of review of the City Engineer as follows:

Data on this PUD plat reviewed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the City Engineer of Gillette, Wyoming.

\_\_\_\_\_  
City Engineer

(t) certificate of approval by the City of Gillette Planning Commission, as follows:

This PUD plat approved by the City of Gillette Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, A. D., 20\_\_\_\_.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

(u) certificate of acceptance and approval by the City Council of the City of Gillette, as follows:

Approved by the City Council of the City of Gillette, Wyoming, this \_\_\_\_\_ day of \_\_\_\_\_, A. D., 20\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(v) certificate for recording by the County Clerk and Recorder, as follows:

This PUD plat was filed for record in the Office of the Clerk and Recorder at \_\_\_ o'clock \_\_.m., 20 \_\_, and is duly recorded in Book \_\_, Page No. \_\_.

\_\_\_\_\_  
County Clerk

(w) When the PUD plat intends to vacate an existing easement, the location of the easement shall be shown on the PUD plat with a notation that it is being vacated by the PUD plat. <sup>6</sup> In the case of a resubdivision of an existing subdivision or portion of a subdivision, the following declaration shall appear above the Mayor's signature or below the title:

#### DECLARATION VACATING PREVIOUS PLATTING

This PUD plat is the resubdivision of (subdivision or portion of subdivision being resubdivided), as recorded in Book \_\_\_\_\_ of Plats, Page \_\_\_\_\_, of the records of the Campbell County Clerk. All earlier plats or portions thereof, encompassed by the boundaries of this PUD plat are hereby vacated.

(7) The final PUD plat shall be accompanied by the total amount of the final PUD plat fee.

(8) The final PUD plat shall also be accompanied by any covenants, property owners' association by-laws, or other instruments providing for the maintenance of any private streets or other improvements being proposed in lieu of required public improvements. The covenants must adequately provide for perpetual, private maintenance of these private streets and improvements. Such instruments shall be in a form acceptable for recording in the records of the County Clerk.

(9) After receipt of the final PUD plat, the Department of Community Development shall review the submittal for completeness and for conformance with the approved preliminary PUD plat. The Department may refer copies of the final PUD plat to and seek comment from other officials and agencies. Any such comments should be made known to the Department within fourteen (14) days after the date of submittal of the final plat.

(10) The final PUD plat shall be scheduled for the consideration of the Planning Commission in accordance with the Department's submittal and review schedule. After due deliberation, the Planning Commission shall approve, conditionally approve, or disapprove the final PUD plat. Approval of a final PUD plat by the Planning Commission shall remain effective for eighteen (18) calendar months.

(11) The developer shall be notified of the action of the Planning Commission. If the PUD plat is disapproved, the subdivider may request a hearing before the Planning Commission. If, after the hearing, the decision of the Planning Commission is substantially unaltered from its original decision with which the subdivider disagreed, he may proceed according to the Appeals provisions outlined in Section 5.b. of the City Subdivision Regulations.

(12) A complete Final PUD plat submittal shall consist of the final PUD plat, Ordinance and all required supporting materials. Required supporting material relating to the Final PUD plat consists of:

(a) a Final PUD Plat Checklist on standard forms provided;

(b) drawings and specifications, as prescribed by the City Design and Construction Standards for Final PUD Plats

(c) an application for a Permit to Construct;

(d) profiles, cross-sections, plans and specifications of roads, streets and bridges, as required by the City Engineer;

(e) a certified copy of an appropriate, recorded instrument granting the right of public access, if access to the PUD or any part thereof must be gained across property outside of the PUD;

(f) when applicable, a warranty deed conveying to the City of Gillette, or other appropriate public agency, any public lands, other than streets, alleys or easements shown on the final PUD plat, and title insurance on the subject parcel;

(g) payment of any fees in-lieu of public land dedication, or any initial payment, and a payment schedule keyed to PUD development;

(h) payment of all recording fees;

(i) evidence satisfactory to the City Council that the land is free of all encumbrances, and that the person who offers any part of the PUD for sale or who solicits any offers for the purchase thereof; directly or through agents, may convey merchantable title, subject only to noted reservations or restrictions of record but free of encumbrances and subject only to a proportionate share of real property taxes or assessments charged or assessed for the year in which any such sale may be legally effected; or that binding arrangements have been made by the person who offers any part of the PUD for sale, directly or through an agent, to assure purchasers of any part of the PUD that, upon full payment of the purchase price, a warranty deed can and will be delivered conveying merchantable title, subject only to a proportionate share of such taxes and assessments thereon, as may be levied or assessed for the year in which such sale may be legally effected; an attorney's title opinion or ownership and encumbrance report shall be considered satisfactory evidence; such an opinion or report shall also note any reservation for mineral rights and the existence of any mineral or oil and gas leases;

(j) if the PUD proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, copies of binding easements of not less than twenty feet (20') in width for the proposed facilities from each property owner over whose land such services shall extend shall be provided;

(k) the original of a brief disclosure statement, to be placed on file with the County Clerk, pointing out any hazards or problems associated with all or any part of the PUD; the disclosure statement will note potential mine subsidence areas (as identified by the Wyoming Department of Environmental Quality or through other sources available to the City Engineer), difficult soil conditions, high water tables, excessive slopes or other conditions which might have an adverse impact on the uses intended for the subdivided land. The words, in capital letters, "DISCLOSURE STATEMENT ON HAZARDS OR PROBLEMS ASSOCIATED WITH THIS PUD ON FILE WITH THE COUNTY CLERK" shall appear on all offers, solicitations, advertisements, contracts, agreements and plats relating to the PUD; neither the City, nor its employees, agents, commissions or consultants shall in any way guarantee the reliability of the information contained in the statement, but shall make copies available to interested parties upon request; and,

Within a reasonable time after receiving the recommendations of the Planning Commission, along with the Final PUD Plat and accompanying materials, the City Council shall either approve the Final PUD Plat

or disapprove the Final PUD Plat and notify the subdivider of the conditions to be met to gain approval. If a disapproved Final PUD Plat is modified and resubmitted to the City Council at a later date for their consideration, the Council may require the concurrent submittal of an updated ownership and encumbrance report or title opinion.

If the PUD plat is to be recorded in the records of the County Clerk prior to acceptance by the City of all required public improvements and/or approval by the City Engineer of completed private streets and utilities, appropriate security guaranteeing the proper and timely completion of such improvements shall be provided. A performance and payment bond, an irrevocable letter of credit, funds in escrow or other suitable commitment, as approved by the City Attorney, shall constitute appropriate security. The security shall be for not less than seventy five percent (75%) of the cost of improvements, as estimated by the subdivider's engineer and approved by the City Engineer. The security shall be accompanied by a standard contract on forms provided, executed by the subdivider, providing for completion and approval of all improvements within a period not exceeding eighteen (18) months from the date of approval of the Final PUD Plat by the City Council. The security shall provide for its release, only after acceptance of secured public improvements by the City or after approval of completed private streets, improvements and/or utilities by the City Engineer, as the case may be.

As an alternate procedure, and at the request of the subdivider, the City Council may grant conditional approval to a Final PUD Plat and instruct the Department to withhold the plat from recording for a period of time to allow the subdivider to install all of the required improvements, according to the plans and specifications approved by the City Engineer. An executed, standard contract, as approved by the City Attorney regarding installation of improvements, shall still be submitted with the final plat. The contract shall require that all improvements be completed and approved by the City Engineer, according to the requirements specified in these regulations within a period not to exceed eighteen (18) months from the date the Final PUD Plat was conditionally approved by the City Council. If required by the City Engineer, the subdivider shall also submit with the final plat a signed and acknowledged instrument, in recordable form, dedicating to the City those easements shown on the PUD plat which may be needed in advance of the PUD Plat being recorded. The subdivider shall also agree to cooperate with the City Engineer in the necessary inspections of the construction of PUD improvements. When the completed improvements are inspected and approved by the City Engineer (and if proposed for City maintenance, accepted by the City), the PUD plat shall be recorded and the sale of lots may proceed according to the approved and recorded PUD plat. The developer is responsible for all PUD plat recording fees. In the event of default by the subdivider on the terms of the contract, the City Council may repeal the approval of the PUD plat.

A subdivider who has received conditional approval of a final PUD plat may elect to proceed to file the Final PUD Plat by posting appropriate security in the amount of the total cost of the remaining public improvements. Upon posting the security and executing a standard contract, as previously described, the PUD plat shall be deemed approved for filing and development shall proceed. The security and standard contract shall provide for its release of the security, only after acceptance of secured public improvements by the City or after approval of completed private streets and utilities by the City Engineer.

h. Amendment Process

Any significant amendment or change to a PUD development after approval of the PUD Plat by the City Council but before filing at the courthouse must be re-submitted, reviewed and approved by the Planning Commission on the same basis as the original final plat.

Until the PUD Plat is recorded, minor changes in the location, setting, alignment, or character of buildings and structures, type or placement of plant material may be authorized administratively by the community development director if it becomes necessary due to circumstances not reasonably foreseen at the time the final PUD Plat was approved. No change authorized by the planning director may increase the size of any

building or structure by more than five percent (5%), nor change the location of buildings or structures by more than five feet (5') in any direction. Other requests for minor revisions will be referred to the appropriate city department for review and approval. If changes to the Plat or support documents are required, new drawings will be required to be submitted that incorporate the approved change. Approved changes are to be incorporated into the Final PUD Plat.

All other alterations or modifications in the use, intent, rearrangement of lots, realignment of major circulation patterns, density levels, provisions governing common or open space, modification to infrastructure design, or any other alterations that in the opinion of the community development director substantially changes the PUD from what was approved, constitutes an amendment and the Final PUD Plat must be revised and re-submitted, reviewed and approved on the same basis as the original PUD Plat submittal including re-approval by both the Planning Commission and City Council.

After a Final PUD Plat is filed and recorded with the Campbell County Clerk, the only recourse, if changes are desired, is to resubmit the PUD Plat for review and approval. All revised PUD Plats submitted for re-approval shall be titled as an Amended PUD Plat and require review and approval by the Planning Commission and City Council.

SECTION 16. DEFINITIONS. <sup>3, 8, 29, 64, 70, 73, 74,76</sup>

The following words, terms and phrases are hereby defined and shall be interpreted in the same fashion throughout this ordinance. The word "shall" is always mandatory. The word "may" is permissive. Words used in the present tense shall include the future tense, and words used in the singular shall include the plural. Terms not herein defined shall have the meaning customarily assigned to them.

a. **ACCESSORY STRUCTURE:** a subordinate building, the use of which is incidental to that of a main building located on the same zone lot

b. **ACCESSORY USE:** not a permitted use as authorized by this ordinance, but a subordinate use operated on the same zone lot as the permitted use, either in the same structure as the permitted use or an accessory structure

c. **ADMINISTRATIVE NON-PROFIT SUPPORT AGENCY FOR VICTIM SERVICE PROGRAMS** – Non-profit, Court-appointed, victims' service programs, which provide advocacy and parental access to children under the age of 18, and the administrative offices that support these programs.<sup>69</sup>

d. **ALLEY:** a public or private thoroughfare which provides only a secondary means of access to abutting property

e. **AUTOMOBILE BODY REPAIR:** <sup>30</sup> the restoration, repair and painting of the external bodies of passenger vehicles

f. **AUTOMOBILE REPAIR:** <sup>30</sup> the repair of internal, mechanical components of passenger vehicles

g. **AUTOMOBILE SALES:** <sup>30</sup> the sale of new and used passenger vehicles

h. **AUTOMOBILE SERVICE:** <sup>30</sup> the minor repair, tune-up and routine servicing of passenger vehicles

i. **BED AND BREAKFAST HOME:** A private owner occupied home where a portion is used to provide temporary accommodations for up to 30 consecutive days for a charge to registered guests. No more than four (4) lodging units may be provided and where one (1) but not more than two (2) family style meals must be provided in a twenty-four (24) hour period. Must be licensed with the state as a bed and breakfast home prior to obtaining a use permit to operate within the City. All regulations governing setbacks, open space and parking shall apply to construction of new bed and breakfast homes or conversion of existing dwelling units to bed and breakfast homes. Signage shall comply with signage allowed under home occupations. A bed and breakfast home shall not impair the residential character of the neighborhood in which it is located.<sup>54</sup>

j. **BOARD:** the Board of Adjustment of the City of Gillette, Wyoming

k. **BOARDING HOUSE:** a building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons. No separate cooking facilities for use of customer residents are allowed

l. **BUILDING:** any permanently affixed, covered structure intended for the shelter, housing or enclosure of persons, animals or goods

m. **BUILDING FRONTAGE:** that facade of a structure containing a permitted use which is generally parallel to and closest to the front line of a zone lot

n. **BUILDING HEIGHT:** the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story; in the case of a flat room, to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip or gambrel roof

o. **COMMERCIAL STORAGE FACILITY:**<sup>3</sup> a building, or group of buildings, that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for the dead storage of articles or goods. This use does not include active retail uses nor shall there be any activities allowed to be conducted within the structure, or structures, other than the temporary storage of articles or goods. All storage shall be totally contained within the building, or group of buildings, with no outdoor storage of articles or goods allowed. No heavy equipment, nor farm implements, shall be allowed to be stored, nor any part thereof. No hazardous materials shall be allowed to be stored.

p. **COMMISSION:**<sup>5</sup> the Planning Commission of the City of Gillette, Wyoming

q. **CONDOMINIUM:**<sup>5</sup> real estate, portions of which are designated for separate ownership, and the remainder of which is designated for common ownership by the owners of those portions

r. **CONVERSION CONDOMINIUM:**<sup>6</sup> condominium projects not originally built and sold as condominiums but subsequently converted to condominium use

s. **CORNER LOT:** a zone lot situated at the intersection of two (2) or more streets

t. **COUNCIL:** the City Council of the City of Gillette, Wyoming

u. **CREMATORIUM:** a business containing a properly installed, certified by the State of Wyoming apparatus intended for use in the act of human cremation.

v. **DAY CARE:**<sup>6,26, 70</sup> An activity regulated by the State of Wyoming and providing care for children out of their own home for two (2) hours or more a day. Categories of day care specified in this ordinance include:

(1) **Family child care home (FCCH):** A child care facility in which care is provided

for three (3) to ten (10) unrelated children from more than one immediate family for part of a day in the home of the provider.

(2) Family child care center (FCCC): A child care facility in which care is provided for a maximum of fifteen (15) unrelated children for part of a day, which may be in a residential or commercial zoning district.

(3) Child care center (CCC): Any private person, partnership, association or corporation that is operating a business for profit or otherwise, where sixteen (16) or more children receive care for part of the day.

w. DEPARTMENT:<sup>5, 27</sup> the Department of Community Development of the City of Gillette, Wyoming

x. DIRECTOR:<sup>30</sup> the Director of Community Development of the City of Gillette, Wyoming

y. DISTRICTS: any section or area of the City of Gillette for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform

z. DRIVE-IN RESTAURANT: a retail establishment engaged in the sale of prepared food and drink which is served to and/or consumed on the premises by the occupants of vehicles, in their vehicles

aa. DWELLING UNIT: a structure, or a portion thereof, used for living purposes or constituting a separate, independent housekeeping unit for permanent, residential occupancy

bb. ENHANCED MANUFACTURED HOME:<sup>63</sup> A single family residential structure transportable in two or more dependent sections, which when assembled equals or exceeds twenty-four feet (24') in width and thirty-six feet (36') in length. Said structure shall be attached to a permanent, frost-free foundation. The structure must: 1) not have been installed or occupied previously at any other site or location, 2) comply with all City codes as they relate to wind load and snow load, 3) provide evidence that the title or certificate of origin has been surrendered at the office of the Campbell County Clerk and the unit converted to real property at the Office of the Campbell County Assessor prior to issuance of a Certificate of Occupancy, and, 4) comply with all Other Enhanced Manufactured Housing Design Criteria.

#### Other Enhanced Manufactured Home Design Criteria

(1) Each Enhanced manufactured home to be located in the City shall provide and comply with all building permit approval requirements applicable to all residential dwelling units prior to arrival at the site. Included, but not limited to, a plot plan approval, plans and specifications verifying compliance with construction and structural load requirements, geotechnical report and design for the foundation, foundation certification, zoning approval and utility connections.



(2) Each enhanced manufactured unit shall conform to the building setback, open space, parking and other district standards and requirements of the zoning district in which the unit is located. No more than one unit may be placed on a zone lot. The owner of the land must also be the owner of the manufactured home unit.

(3) The unit shall have a pitched roof with a slope of not less than a three inch (3") vertical rise for each twelve inches (12") of horizontal run.

(4) The load bearing foundation system shall be constructed in accordance with the manufacturer's specifications or with HUD's Permanent Foundation Guide for Manufactured Housing and applicable sections of the Uniform Building Code.

(5) The perimeter of the unit shall be fully enclosed from the lower edge of the enhanced manufactured unit to the ground with a perimeter skirt wall constructed of a material rated for exterior applications giving the appearance of concrete, brick, stucco, block or stone, and able to withstand the effects of wind, water, soil, decay, termites and prevent entry of rodents. An unobstructed minimum 18" high x 24" wide plumbing access door shall be provided. Ventilation per the Uniform Building Code specifications shall be provided.

(6) The unit shall be permanently connected to all utilities in a manner consistent with residential housing and in accordance with the adopted City codes.

(7) Roof material shall consist of non-reflective material customarily used for residential dwellings including, but not limited to, asphalt, fiberglass, shake, tile shingles or metal.

(8) Siding material shall consist of a material customarily used for residential dwellings including but not limited to, wood, wood products, stucco, brick, steel, aluminum or vinyl lap siding, or rock.

(9) A roof overhang exclusive of gutters of not less than six inches (6") as measured from the vertical side of the home. When an attached carport, garage, porch or similar structure is an integral part of the manufactured unit, this overhang may be waived where the attachment occurs provided that the exterior perimeter of the roof line contains the required overhang.

(10) Unless the foundation perimeter wall is load bearing, no attachments, additions, alterations or modifications to the exterior walls of the unit are allowed except those approved by the manufacturer for the specific unit. If the foundation perimeter wall is not load bearing, all additions, porches, decks, garages or other add-on attachments must be free standing and self-supporting with no structural reliance on the manufactured unit itself and in accordance with applicable City regulations.

(11) All wheels, hitches, tongues and axles shall be removed from the unit and the property at the time the unit is placed on the permanent foundation.

cc. FAMILY: one (1) or more persons, related by blood, adoption or marriage, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, fraternity or sorority house, lodging house, hotel or motel

dd. FAMILY STYLE MEAL: Meals prepared in a private bed and breakfast home kitchen and served in the same residence around a common table(s). No meals may be served to people other than those residing as registered guests.<sup>54</sup>

ee. FOSTER CARE:<sup>6</sup> an activity regulated by the State of Wyoming and providing care for children in a facility or home on a twenty four (24) hour-a-day basis. Categories of foster care specified in this ordinance include:

(1) foster home: allows for the care of up to six (6) children

(2) group foster home: allows for the care of seven (7) to eleven (11) children

ff. FRONT LINE: any boundary line of a zone lot parallel to and abutting the right-of-way line of an officially approved street or highway

gg. GASOLINE FILLING STATION: a retail establishment engaged in the sale of automotive fuels, motor oil or other automobile accessories and providing incidental services, including lubrication, hand washing and cleaning or minor mechanical work and repairs but shall not include painting or body work nor the sale of butane or propane fuels

hh. GROSS FLOOR AREA: the sum of the areas of the several floors of a building, measured between the exterior faces of the walls at each floor, excluding any floor area used exclusively as parking for motor vehicles

ii. GROUP CARE FACILITY:<sup>22, 43, 80</sup> a facility or dwelling unit housing persons unrelated by blood, marriage or adoption and operating as a not-for-profit, housekeeping unit consisting of no more than six (6) client individuals and up to two (2) supervisor in the R-2 or R-3 zone No group care facility may house any person whose residency would constitute a direct threat to the health and safety of other individuals. It may include shelters for abuse victims and homes for handicapped or for disabled individuals. The current illegal use of or addiction to a controlled substance is neither a handicap nor a disability.

jj. HALFWAY HOUSE:<sup>43</sup> a facility or dwelling unit used as a work release facility for convicts or ex-convicts, alcoholism or drug treatment center, or other housing facilities serving as an alternative to incarceration.

kk. HOME OCCUPATION: a gainful operation conducted by members of the family, only within the dwelling, which is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof

ll. HOSPITAL: an institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for bed and patient care.

mm. INDUSTRIAL PIPE YARD:<sup>74</sup> an area in which the primary use is the storage of pipe for non-residential applications, including coils or spools, typically involving outside storage. The pipe is intended for industrial applications and may include drilling pipe, oil well casing, tubing, pipe for water or sewer mains, and pipe for production or transportation pipe line for oil and gas. Industrial Pipe Yards are only allowed in Industrial Zones, because of the inherent noise, dust and heavy truck traffic associated with operations involving pipe.

nn. INSTITUTION: a building, or building complex, occupied by a nonprofit establishment for public or semi-public use

oo. JUNKYARD: a lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collection, dismantling, storing and salvaging of machinery of vehicles not in running condition, or for the sale of parts thereof

pp. LICENSED VEHICLE: an operable vehicle with a currently valid license

qq. LOADING SPACE: a space within the main building or on the same zone lot, providing for the standing, loading or unloading of a vehicle

rr. LODGING UNIT: A separate room in a bed and breakfast home with one (1) but not more than two (2) beds or two (2) sets of two tiered bunks for sleeping purposes.<sup>54</sup>

ss. MANUFACTURED HOME:<sup>60</sup> A structure, transportable in one or more dependent sections, constructed in conformance with the National Manufactured Housing Construction and Safety Standards Act, which is built on a permanent chassis and designed to be used as a single family residential dwelling unit.

tt. MIXED-USE DEVELOPMENT: A single building or complex of buildings containing a mixture of residential and commercial uses provided that the commercial uses are located at and oriented toward the street grade.<sup>73</sup>

uu. MOBILE HOME:<sup>60</sup> a structure, transportable in one or more sections, designed for use as a single family residential dwelling unit, built on a permanent chassis that cannot provide certification of compliance with the National Manufactured Housing Construction and Safety Standards Act. Such a structure shall be considered to be a mobile home, whether or not the wheels originally mounted have been removed, and whether or not the structure has been placed upon a permanent foundation.

vv. MOBILE/MANUFACTURED HOME SUBDIVISION:<sup>60</sup> a subdivision consisting of two (2) or more lots and meeting all of the requirements of the Subdivision Regulations of the City of Gillette;

the lots of which are intended to be sold, leased or assigned for use by mobile/manufactured homes to create a suitable environment for long term, residential occupancy.

ww. MODULAR HOME:<sup>26,60</sup> a structure, transportable in one or more dependent sections, designed for use as a single family residential dwelling unit, not built on a permanent chassis, capable of being transported from place of fabrication to the site on which it is to be erected, where it is placed on a permanent foundation and, when assembled, meets all of the provisions of the Uniform Building Code for residential dwelling units.

xx. MOTEL: a building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct, independent access to and adjoining parking for each rental unit.

yy. MOTOR VEHICLE SALVAGE:<sup>30</sup> the dismantling or demolition of motor vehicles for parts

zz. MOTOR VEHICLES:<sup>30</sup> inclusive of passenger vehicles and, additionally, including any other motorized heavy equipment, commercial trucks, buses, semi-tractor trailers, tractors, farm implements and other utility vehicles

aaa. MULTIPLE FAMILY DWELLING: a structure containing three (3) or more dwelling units on one (1) zone lot

bbb. NEIGHBORHOOD RECREATIONAL FACILITY:<sup>1</sup> a facility which provides, for a fee, predominantly indoor, recreational activities. It is intended that those limited outdoor, recreational activities which are offered to be compatible with the surrounding neighborhood shall not produce or create offensive noise, vibration, smoke, dust, odor, heat or glare at or beyond the property line.

ccc. OPEN SPACE: that portion of a zone lot not occupied by a structure, not utilized for parking and not otherwise used in the operation of the permitted use. Setback areas meeting this definition shall be considered as open space.

ddd. PARKING SPACE:<sup>12</sup> an off street space available for the parking of one (1) motor vehicle, being nine feet (9') in width and eighteen feet (18') in length, exclusive of passageways and driveways, and having direct access to a street or alley

eee. PASSENGER VEHICLES:<sup>30</sup> cars, light trucks, vans, motorcycles, RV's or any other vehicles intended to transport persons and light cargo

fff. PERMITTED USE: a use enumerated for a zoning district

ggg. PUBLIC UTILITY: any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under State or municipal regulations to the public electricity, gas, steam, communication, telegraph, transportation or water

hhh. REAR LINE: [1] on any zone lot, with but one (1) front line, the rear line shall be the boundary of the zone lot opposite the front line; [2] on any zone lot with two (2) front lines, the rear line shall be fixed by the Department of Community Development<sup>27</sup>, taking into consideration the orientation and location of existing structures in the area, probable orientation of proposed structures and the use of the rear portion of zone lots in the district; and, [3] on any zone lot with three (3) or more front lines, there shall be no rear line.

iii. RECREATIONAL FACILITIES: land and structures, along with accessory equipment, designed and utilized for leisure time activities of a predominantly "outdoor" nature and of more specific purpose than passive, park-like open space

jjj. RECREATIONAL VEHICLE:<sup>12</sup> any pickup camper, motor home, travel trailer or other mobile unit designed or modified to be used for vacation or recreational occupancy

kkk. RECREATIONAL VEHICLE PARK: a tract of land upon which two (2) or more recreational vehicles or tent sites are located, established or maintained for occupancy by the general public

### III. RESTAURANT:<sup>24</sup>

(1) FAST FOOD: an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption on the premises or off the premises, and whose principal method of operation includes one or both of the following characteristics:

(a) Food and beverages are usually served in edible containers or in paper, plastic or other disposable containers.

(b) Food and beverages are served directly to the customer in a motor vehicle, either by carhop or by other means, which eliminate the need for the customer to exit the motor vehicle.

(2) STANDARD: an establishment whose principal business is the sale of prepared food and beverages for consumption within the restaurant building, and whose principal method of operation includes one or both of the following characteristics:

(a) Customers are served their food and beverages by a restaurant employee at the table or counter at which it is consumed.

(b) There is a cafeteria type operation where food and beverages generally are consumed within the restaurant building.

mmm. ROOMING HOUSE: a building where more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals. No separate cooking facilities for use by customer residents shall be allowed.

nnn. **SETBACK LINES:** the lines defining the buildable area of the zone lot and the inside limits of the required yards

ooo. **SEXUALLY ORIENTED BUSINESSES:**<sup>59</sup> Sexually Oriented Businesses are classified as follows and defined in Chapter 10-31 of the Gillette City Code: (1) adult arcade; (2) adult bookstore, adult novelty store or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) massage parlor; (8) sexual encounter establishment; (9) escort agency, or (10) nude model studio.<sup>59</sup>

ppp. **SHARED LIVING RESIDENCE FOR SENIOR CITIZENS:**<sup>48,52</sup> A dwelling unit constructed as a single family home designed to promote and allow for the independent living or no more than four (4) related or unrelated 55 year old or older individuals. In the R-R, Rural Residential District and the R-S, Suburban Residential District, no more than six (6) related or unrelated 55 year old or older individuals. No separate in-room kitchen facilities for use by occupants is permitted. Shared Living Residences do not include any or all of the following: permanent live-in resident staff personnel; permanent supportive care services; or permanent personal nursing care on an around-the-clock basis. Parking shall be provided in accordance with Section 9. c. (3) (a) Off-Street Parking Requirements.

qqq. **SIDE LINE:** any boundary or a zone lot, not a front line or a rear line

rrr. **SIGHT TRIANGLE or SIGHT DISTANCE TRIANGLE:**<sup>25,26,29</sup> a triangular portion of land at the intersection of two (2) streets, a street and an alley or a street and a commercial or multi family driveway used by more than one (1) living unit, in which nothing shall hereafter be erected, placed or planted which would obstruct the view of motorists entering or leaving the intersection. The boundary of any sight distance triangle as well as the permitted obstructions within them shall be determined according to the terms of Section 611.5, et seq. of the City of Gillette 2005 Design Standards, as adopted by § 7-2 of the Gillette City Code.

sss. **SIGN:**<sup>11</sup> any device or display of letters, words, models, banners, flags, pennants, symbols or other representations which are in the nature of an announcement or advertisement or calls attention to a product, service, organization, person or event. The word "sign" does not include the flag, pennant, or insignia of any nations, state, city or other political unit. Types of signs authorized by this resolution include:

- (1) **BILLBOARD:** a board, panel or electronic graphic display sign used for the display of advertising matter, either illuminated or non-illuminated, which directs attention to goods, merchandise, entertainment or services offered elsewhere than the premises where the sign is located.<sup>86</sup>
  - (a) **ELECTRONIC GRAPHIC DISPLAY SIGNS:**<sup>86</sup> sign faces attached to billboard structures with electronic graphic displays that are highly visible from long distances and at very wide viewing angles, both day and night.

(2) **BUILDING SIGN:** a sign which directs attention to the building to which it is attached. The following signs are building signs:

(a) **CANOPY SIGN:** any sign attached to or constructed on the face of a permanent, roof-like shelter, extending from part or all of the building face and constructed of some durable material

(b) **PROJECTING SIGN:** a sign attached to or erected on a wall of a building, with the face perpendicular to the building wall

(c) **ROOF SIGN:** any sign erected upon, against or directly above a roof or on top of the parapet of a building

(d) **UNDER-CANOPY SIGN:** any sign attached to or constructed under a canopy

(e) **WALL SIGN:** a sign attached to, erected against or painted upon the wall of a building, with the face horizontally parallel to the building wall

(f) **WINDOW SIGN:** a sign installed or painted on a window for purposes of viewing from outside the premises

(3) **BULLETIN:** a notice or message typically erected by a church or a public institution, not advertising a commercial product, goods or services

(4) **CANOPY:** a permanent roof-like shelter extending from part or all of the building face and constructed of some durable material

(5) **CENTER SIGN:** a sign identifying a commercial, industrial or professional center or complex, having at least three (3) separate businesses. A center's management company or owner shall be the only acceptable applicant for a center sign.

(6) **CHANGEABLE COPY:** a sign on which copy is changed manually in the field, i.e., reader boards with changeable letters

(7) **SIGN, DIRECTIONAL OR INFORMATIONAL:** any sign of thirty-two (32) square feet or less<sup>38</sup> which directs vehicular or pedestrian traffic for purposes of parking, circulation or sale points of various products and services. No directional or informational sign may contain any business name, advertising, price or other commercial message with the exception of a business logo not to exceed 25% of the area of the sign face.<sup>35</sup>

(8) **FLASHING SIGN:** any illuminated sign on which the artificial light is not constant in intensity and color at all times.

(9) **FOR SALE SIGN:** a sign advertising real estate for lease, rental or sale

(10) **FREE-STANDING SIGN, GROUND:** a sign supported by one (1) or more uprights, poles or braces in or upon the ground, not attached to any building and having its bottom edge on the ground

(11) **FREE-STANDING SIGN, POLE:** a sign supported by one (1) or more uprights, poles or braces in or upon the ground, not attached to any building and having its bottom edge above ground

(12) **ILLUMINATED SIGN:** a sign designed to give forth artificial light or designed to reflect light derived from any source

(13) **OFF-PREMISE SIGN:** any sign advertising goods, products or services, not located or sold on the premises on which the sign is located

(14) **ON-PREMISE SIGN:** any sign identifying or advertising a business, person, activity goods, products or services, located on the premises where the sign is installed and maintained

(15) **RESIDENTIAL DEVELOPMENT SIGN:** a sign identifying a subdivision, planned mobile home development or residential building complex, displaying no more than the name and location of the development

(16) **SANDWICH SIGN:** an advertising or business ground sign which is constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; and each angular face held at an appropriate distance by a supporting member

(17) **TEMPORARY BUSINESS SIGN:** sign which is portable and does not have a permanent location, which is used to advertise special purpose business activities for a limited amount of time

(18) **TEMPORARY CONSTRUCTION SIGN:** a sign identifying new development or construction and including such information as the name of the project, the owner, the leasing agent, the contractor, the architect and brief descriptive material on the project or other pertinent data

ttt. **SINGLE FAMILY DWELLING:**<sup>5</sup> a single, detached structure having but one (1) dwelling unit for the residential occupancy of any number of persons related by blood, marriage or adoption and complying with the provisions of the Uniform Building Code for dwellings. Mobile homes shall not be considered as single family dwellings for the purpose of this ordinance.

uuu. **STRUCTURE:** anything constructed or erected, the use of which requires a more or less permanent location on the ground. Fences, signs, utility poles and lines, railways, monuments, statuary, flagpoles, roadways and bridges shall not be considered structures for the purposes of this ordinance.

vvv. **TAXIDERMY:** an operation conducted solely within an enclosed building to include on-site preparation, stuffing, and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals shall be prohibited.<sup>49</sup>



www. TOWNHOUSE: a rowhouse or other unit in a building containing two (2) or more units, in which generally no part of a living unit extends over or under another living unit. Townhouse units may consist of one (1) or more stories.

xxx. UNIT: that portion of a condominium or townhouse building designated for separate ownership on a recorded plat

yyy. UNLICENSED OR INOPERABLE VEHICLE: a motor vehicle which does not have a valid State license, is not mechanically able to operate, or which cannot otherwise legally operate on the highway

zzz. YARD: a space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward

aaaa. YARD, FRONT:<sup>18</sup> the required open space extending across the full width of a zone lot between the front line and an authorized structure. On a corner lot, the required open space adjacent to all street frontages shall be considered front yards.

bbbb. YARD, REAR: the required open space between the rear lot line and a structure containing a permitted or an accessory use

cccc. YARD, SIDE: the required open space between the side line of the zone lot and an authorized structure on the zone lot

dddd. ZONE LOT: a single parcel of contiguous land occupied, or intended to be occupied, by structures and uses, as permitted by this ordinance, together with the open spaces required by this ordinance. All zone lots shall abut on a public street or an officially approved way.

eeee. ADMINISTRATIVE NON-PROFIT SUPPORT AGENCY FOR VICTIM SERVICE PROGRAMS – Non-profit, Court-appointed, victims’ service programs, which provide advocacy and parental access to children under the age of 18, and the administrative offices that support these programs.<sup>69</sup>

Approved by the City Council of the City of Gillette, Wyoming, this 23rd day of January, 1979.

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City Clerk

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Mayor

## END NOTES

- <sup>1</sup> amended by Ordinance No. 1002 on June 4, 1979
- <sup>2</sup> amended by Ordinance No. 1016 on July 2, 1979
- <sup>3</sup> amended by Ordinance No. 1038 on October 8, 1979
- <sup>4</sup> amended by Ordinance No. 1054 on January 7, 1980
- <sup>5</sup> amended by Ordinance No. 1087 on May 5, 1980 (This ordinance deleted the C-S District)
- <sup>6</sup> amended by Ordinance No. 1112 on June 16, 1980
- <sup>7</sup> amended by Ordinance No. 1193 on May 18, 1981
- <sup>8</sup> amended by Ordinance No. 1207 on June 15, 1981
- <sup>9</sup> amended by Ordinance No. 1265 on October 19, 1981
- <sup>10</sup> amended by Ordinance No. 1281 on December 7, 1981
- <sup>11</sup> amended by Ordinance No. 1322 on April 5, 1982
- <sup>12</sup> amended by Ordinance No. 1352 on June 21, 1982
- <sup>13</sup> amended by Ordinance No. 1439 on April 18, 1983
- <sup>14</sup> amended by Ordinance No. 1456 on June 20, 1983
- <sup>15</sup> amended by Ordinance No. 1470 on July 18, 1983
- <sup>16</sup> amended by Ordinance No. 1476 on August 1, 1983
- <sup>17</sup> amended by Ordinance No. 1492 on October 3, 1983
- <sup>18</sup> amended by Ordinance No. 1548 on August 6, 1984
- <sup>19</sup> amended by Ordinance No. 1551 on August 6, 1984
- <sup>20</sup> amended by Ordinance No. 1556 on September 4, 1984
- <sup>21</sup> amended by Ordinance No. 1559 on October 1, 1984
- <sup>22</sup> amended by Ordinance No. 1565 on December 3, 1984
- <sup>23</sup> amended by Ordinance No. 1567 on December 17, 1984
- <sup>24</sup> amended by Ordinance No. 1576 on January 21, 1985
- <sup>25</sup> amended by Ordinance No. 1596 on July 1, 1985
- <sup>26</sup> amended by Ordinance No. 1618 on May 5, 1986
- <sup>27</sup> amended by Ordinance No. 1625 on June 16, 1986
- <sup>28</sup> amended by Ordinance No. 1630 on September 2, 1986
- <sup>29</sup> amended by Ordinance No. 1664 on October 19, 1987
- <sup>30</sup> amended by Ordinance No. 1672 on January 18, 1988
- <sup>30a</sup> amended by Ordinance No. 1695 on July 5, 1988
- <sup>31</sup> amended by Ordinance No. 1700 on July 18, 1988
- <sup>32</sup> amended by Ordinance No. 1701 on August 1, 1988
- <sup>33</sup> amended by Ordinance No. 1702 on September 19, 1988
- <sup>34</sup> amended by Ordinance No. 1703 on September 19, 1988
- <sup>35</sup> amended by Ordinance No. 1709 on November 7, 1988
- <sup>36</sup> amended by Ordinance No. 1723 on June 5, 1989
- <sup>37</sup> amended by Ordinance No. 1731 on July 17, 1989
- <sup>38</sup> amended by Ordinance No. 1761 on July 2, 1990
- <sup>39</sup> amended by Ordinance No. 1778 on January 7, 1991
- <sup>40</sup> amended by Ordinance No. 1790 on May 6, 1991
- <sup>41</sup> amended by Ordinance No. 1802 on September 3, 1991
- <sup>42</sup> amended by Ordinance No. 1839 on May 4, 1992

<sup>43</sup> amended by Ordinance No. 1859 on September 21, 1992  
<sup>44</sup> amended by Ordinance No. 1865 on November 2, 1992  
<sup>45</sup> amended by Ordinance No. 1898 on August 2, 1993  
<sup>46</sup> amended by Ordinance No. 1917 on January 3, 1994  
<sup>47</sup> amended by Ordinance No. 1926 on April 4, 1994  
<sup>48</sup> amended by Ordinance No. 1959 on October 3, 1994  
<sup>49</sup> amended by Ordinance No. 1993 on June 19, 1995  
<sup>50</sup> amended by Ordinance No. 2021 on November 20, 1995  
<sup>51</sup> amended by Ordinance No. 2022 on November 20, 1995  
<sup>52</sup> amended by Ordinance No. 2025 on January 16, 1996  
<sup>53</sup> amended by Ordinance No. 2056 on June 3, 1996  
<sup>54</sup> amended by Ordinance No. 2072 on September 16, 1996  
<sup>55</sup> amended by Ordinance No. 2098 on June 16, 1997  
<sup>56</sup> amended by Ordinance No. 3022 on January 20, 1998  
<sup>57</sup> amended by Ordinance No. 3027 on March 2, 1998  
<sup>58</sup> amended by Ordinance No. 3074 on May 17, 1999  
<sup>59</sup> amended by Ordinance No. 3076 on June 7, 1999  
<sup>60</sup> amended by Ordinance No. 3091 on October 18, 1999  
<sup>61</sup> amended by Ordinance No. 3094 on January 18, 2000  
<sup>62</sup> amended by Ordinance No. 3098 on February 22, 2000  
<sup>63</sup> amended by Ordinance No. 3101 on April 17, 2000  
<sup>64</sup> amended by Ordinance No. 3118 on July 3, 2000  
<sup>65</sup> amended by Ordinance No. 3119 on July 3, 2000  
<sup>66</sup> amended by Ordinance No. 3134 on November 6, 2000  
<sup>67</sup> amended by Ordinance No. 3135 on November 6, 2000  
<sup>68</sup> amended by Ordinance No. 3160 on July 16, 2001  
<sup>69</sup> amended by Ordinance No. 3225 on July 15, 2002  
<sup>70</sup> amended by Ordinance No. 3228 on August 14, 2002  
<sup>71</sup> amended by Ordinance No. 3293 on October 20, 2003  
<sup>72</sup> amended by Ordinance No. 3325 on July 6, 2004  
<sup>73</sup> amended by Ordinance No. 3369 on July 19, 2005  
<sup>74</sup> amended by Ordinance No. 3379 on September 6, 2005  
<sup>75</sup> amended by Ordinance No. 3413 on April 17, 2006  
<sup>76</sup> amended by Ordinance No. 3414 on April 17, 2006  
<sup>77</sup> amended by Ordinance No. 3446 on September 18, 2006  
<sup>78</sup> amended by Ordinance No. 3490 on June 4, 2007  
<sup>79</sup> amended by Ordinance No. 3516 on October 15, 2007  
<sup>80</sup> amended by Ordinance No. 3537 on February 19, 2008  
<sup>81</sup> amended by Ordinance No. 3584 on September 15, 2008  
<sup>82</sup> amended by Ordinance No. 3602 on November 26, 2008  
<sup>83</sup> amended by Ordinance No. 3620 on April 20, 2009  
<sup>84</sup> amended by Ordinance No. 3841 on October 7, 2014 (Ord #3841 to sunset (repeal) 5:00 pm on Oct. 15, 2019)  
<sup>85</sup> amended by Ordinance No. 3857 on April 21, 2015  
<sup>86</sup> amended by Ordinance No. 3898 on July 19, 2016  
<sup>87</sup> amended by Ordinance No. 3907 on December 13, 2016